

sions. The law provides for a hearing in cases in which workers remove themselves from dangerous situations.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons.

NGO's assume that, as in neighboring countries, trafficking in women occurs, but no specific cases have been documented. Although there were no reports of trafficking during the year, six cases of trafficking in persons (assistance with illegal immigration) were reported in 1999. In most cases, the traffickers concerned were relatives of illegal immigrants.

## LITHUANIA

Lithuania is a parliamentary democracy with a Constitution adopted by referendum in 1992. The Constitution established a 141-member unicameral legislature, the Seimas; a directly elected president; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Seimas. The Government exercises authority with the approval of the Seimas and the President. The judiciary is independent.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses.

Since its independence in 1990, Lithuania has made steady progress in developing a market economy. Most housing and small businesses are privatized, and the contribution of the private sector to gross domestic product amounts to more than 70 percent. Trade is diversifying and expanding both to the West and the East. Agriculture employs the largest number of workers (20 percent). Major exports include textiles, mineral products, machinery, and electronic appliances. Inflation from January to August remained low at 0.3 percent. Per capita GDP in 1999 was \$2,878. During the first half of the year, real GDP reportedly increased by 2 percent. However, unemployment continued to remain high at over 11 percent. (It was above 15 percent according to a labor market survey.)

The Government generally respected the human rights of its citizens; however, problems remained in some areas. Police on occasion beat detainees and misused detention laws. The Government has made some progress in bringing police corruption under control. Prison conditions remained poor, and prolonged detention in a small number of cases remained a problem. State media continued to be subject to political interests. Violence and discrimination against women and child abuse were serious problems. Trafficking in women and girls for the purpose of forced prostitution was a problem.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

In 1998 the President formed the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission includes historians, human rights representatives, representatives of international Jewish organizations, and lawyers from Lithuania and a number of foreign countries. The Government allotted \$37,500 (150,000 litas) to establish a full-time working secretariat for the Commission. The secretariat was in operation by October 1999, and the first research group of the Commission began work in December 1999.

In August 1999 a court found six persons guilty of complicity in the January 1991 coup attempt. The defendants were former leaders and officials of the Lithuanian Communist Party who were sentenced to prison terms of from 3 to 12 years for crimes that included premeditated acts of murder and inflicting serious bodily harm. Defense lawyers appealed the verdict, but their appeal was still under consideration at year's end.

Formal charges were filed against alleged war criminals Aleksandras Lileikis and Kazys Gimzauskas. After being stripped of his U.S. citizenship in 1996 for concealing his World War II activities, Lileikis returned to Lithuania. He was accused of acts of genocide committed when he headed the security police of the Vilnius district under Nazi control. Lileikis's trial was postponed several times due to his poor health; he died at age 93 without trial on September 27.

Gimzauskas, who served as Lileikis's deputy during the war, returned to Lithuania in 1993. On October 13, 2000, the Vilnius regional court decided to try the

case of Gimzauskas in absentia due to his poor health. The court hearing started in November. It is expected that the court will hear the case and make a decision regarding guilt, but that there would be no sentence imposed. After considering the case, the court also can adopt a resolution on whether Gimzauskas' actions in this particular case constituted a crime or not, thus formally closing the case.

In June 1999, the Prosecutor General's Office of Special Investigations filed genocide charges against Vincas Valkavickas, who returned to Lithuania in June 1999. In July 1999, a case was initiated against Petras Bernotavicius, a resident of the United States, and Antanas Gudelis, an Australian citizen. In July 1999, the prosecutor launched an investigation into the role of Kazys Ciurinskas in a separate war-related criminal case. No substantial progress was reported in the latter four cases by the end of the year.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

There is a growing problem of women being forced or sold into prostitution by organized crime figures. Their families often believe that they disappeared or were kidnapped (see Sections 5, 6.c., and 6.f.).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution specifically forbids torture, and there were no reports of its use; however, police sometimes beat or otherwise physically mistreat detainees. The press reported that incidents of police brutality are becoming more common. In many instances, the victims reportedly are reluctant to bring charges against police officers due to fear of reprisals. According to the Ministry of Interior, during the first 6 months of the year no police officers were charged with abuse of power or sentenced. In 1999 four officers were charged and one was sentenced for this crime.

The Interior Ministry states that district police inspectors are the most negligent in the force. To strengthen the integrity of the police, the Inspectorate General of the Interior Ministry was given administrative autonomy in 1997. In 1999 the Inspectorate General was reorganized into an office of the Inspector General, and some functions of the Inspectorate were delegated to the internal investigations division at the police department. The Inspector General cannot investigate abuses on his own authority but can act only on the order of the Minister.

In the past, noncommissioned military personnel committed human rights abuses by hazing recruits, despite efforts to quash the practice, which was inherited from the former Soviet armed forces. As living conditions improve for military personnel, human rights violations committed by noncommissioned officers have declined significantly. During the year, seven criminal cases were filed for "systemic degrading treatment" or breach of discipline involving violence (the relevant legal codes). According to the Ministry of National Defense, most trauma inflicted on conscripts is psychological rather than physical. The Ministry believes that a lack of professionalism among noncommissioned officers—rather than ethnic, regional, or social factors—is a primary factor in cases of hazing, and it is working actively to improve their skills and judgment. In 1999 the Seimas approved a new disciplinary statute for the armed forces, and the military police formed by a 1998 law are charged with maintaining discipline. The disciplinary statute sets procedures for the investigation of disciplinary offences, provides for the right to appeal, and lists the types of punishments.

Prison conditions are poor. Due to limited resources, most prisons are overcrowded and poorly maintained. One local human rights group claims that the administration of penal institutions does not do enough to prevent violence among prisoners. During the first 9 months of the year, 35 deaths were recorded among prisoners (16 of them killings) as well as 524 injuries, mostly self-inflicted (in order to escape abuse from fellow inmates or guards).

The Government is attempting to reform the prison system with international assistance; however, progress has been very slow. In September the Seimas adopted a new Criminal Code. The prison department was transferred from the Ministry of Interior to the Justice Ministry, heralding the beginning of practical reforms in the correctional system. New hygiene norms came into effect in 1999 that require a certain amount of space for each convict to assure healthy and safe conditions. However, in 2000 the budget allotted \$5 million (20 million litas) less for running 14 correctional institutions than in 1999. Funding only covers minimal needs and on average amounts to 75 cents for three meals per prisoner per day. Thus prison overcrowding persists, particularly in pretrial detention.

As a result of the funding shortfall and overcrowding, a Law on Amnesty was passed in April that reduced the number of prisoners and detainees from 15,000 (as of January 1, 2000) to 9,000 (as of July 1, 2000). As of August 30, there were 7,045 prisoners, including 251 women and 125 juveniles (2 women). There were 1,612 detainees, including 68 women and 99 juveniles (2 women). The latter are held separately from adults.

Human rights monitors are permitted to visit prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution provides that no person may be arbitrarily arrested or detained; however, there were instances of prolonged detention. Under the law, police temporarily may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Pretrial detention applies only in the case of felonies and when it is impossible to prevent flight by other means or to allow unhindered investigation. A district judge, acting on a prosecutor's application, may order longer pretrial detention, which can last up to 6 months and may be extended using the same procedure for periods not to exceed 18 months in total. However, in practice the prison department admits that pretrial detention has in some instances exceeded 18 months. The prison department faults a slow justice system that cannot bring cases to trial expeditiously. Bail in theory is available, but it is not used widely. The Constitution provides for the right to an attorney from the moment of detention (see Section 1.e.).

In an effort to cope with the rise in violent organized crime, the 1997 Law on the Prevention of Organized Crime allows for the imposition of restrictions on the freedom of a person who by his actions might "restrict the rights and freedoms of other persons, create conditions for the emergence and development of social and economic preconditions of organized crime, or pose a threat to public security."

The Government is addressing concerns that periods of detention were excessive. The Prosecutor General is stepping up his monitoring of the investigation of cases, and additional and better qualified judges are being added.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the judiciary is independent in practice.

The Constitution and the 1994 Law on Courts established a four-tier court system: The Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Supreme Court's Senate of Judges, consisting of the Supreme Court chairman, the division chairmen, and other members of the Supreme Court, rules on the decisions by lower domestic courts that may violate the European Convention on Human Rights. The Constitution also established a Constitutional Court and allowed for specialized courts for administrative, labor, family, and other purposes.

The administrative courts began functioning on May 1, 1999. The main function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in the sphere of public administration and taxation. The creation of administrative courts completed national court reform, a process that started in 1995. The Ministry of Justice is moving towards a system of specialization of judges in district and local courts according to the types of cases.

A new Civil Code was adopted in July. It will enter into force in July 2001. The Civil Code complies with the requirements of the European Convention on Human Rights and takes into account the jurisprudence of the European Court of Human Rights. The Seimas adopted a Criminal Code in September 2000. It will enter into force simultaneously with the Code of Criminal Procedure, which was still under preparation at year's end.

The Constitutional Court, at the request of the President, members of the Seimas, the Government, or the judiciary, reviews the constitutionality of laws and other legal acts, as well as that of actions by the President and the Cabinet. The Constitutional Court's authority to issue the final word on subjects within its jurisdiction is unquestioned; it is the country's ultimate legal authority with no further appeal of its rulings.

The 1996 Law on Commercial Arbitration provides for the establishment of arbitration institutions and the abolition of the economic court (abolished in 1998). The law provides for private dispute resolution by an arbitration tribunal, either organized by a permanent arbitration institution or by the parties themselves.

The Prosecutor General exercises oversight responsibility through a network of district and local prosecutors who work with police investigators—employed by the Ministry of the Interior—in preparing the prosecution's evidence for the courts.

The Constitution provides for the right to legal counsel for defendants. In practice the right to counsel is abridged by the shortage of trained advocates, who find it difficult to cope with the burgeoning numbers of criminal cases brought before the courts. Outside observers have recommended the establishment of a public defender system to regularize procedures for the provision of legal assistance to indigent persons charged in criminal cases. By law defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honor routine, written requests for evidence. By law a judge may decide to hold a closed trial in a limited number of circumstances.

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some persons who allegedly were involved with crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established in 1997 to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. During the first 8 months of 2000, the Supreme Court overturned the rehabilitation of 15 persons.

Parliamentarian Audrius Butkevicius, a former Minister of National Defense, was charged in 1997 with several counts of corruption. According to the Lithuanian Human Rights Association, the case was based on false information from the State Security Department. Butkevicius's pretrial detention was prolonged without the decision of a judge. The parliamentary ombudsman said that there were many similar cases and confirmed that the authorities had violated the law. Typically, he wrote, judges and prosecutors wrongly interpret the law to mean that pretrial detention can be extended automatically when a case is submitted to a court of law. In 1998 Butkevicius was sentenced to 5<sup>o</sup> years in prison, fined \$12,500 (50,000 litas), and half of his property was confiscated. On May 12, 1999, the Supreme Court rejected Butkevicius's appeal. Butkevicius's lawyers appealed to the European Court of Human Rights, and in September the Court agreed to review the case; but it had not been resolved by year's end 2000. Butkevicius was released on March 20 after serving two-thirds of his 5<sup>o</sup>-year jail term. He resumed his seat in the Parliament. However, the court decided that he had not completed the sentence at least 65 days before election day, and thus he was not allowed to be a candidate for the parliamentary elections in October.

In November the European Court of Human Rights (ECHR) announced that it would try three new cases against Lithuania. The cases were brought by former Prime Minister Adolfas Slezevicius, former Kaunas Police Commissioner Stasys Sipavicius, and businessman Arvydas Stasaitis. The ECHR found that Stasaitis' entire period of detention (1996–2000) may have been unjustified. He was charged with large-scale financial crime. Slezevicius was accused of abusing his position as Prime Minister when he withdrew his personal funds from a Lithuanian bank just days before it failed. The case was accepted because charges against him were investigated for too long (4 years) and never came under scrutiny in a court of law. Sipavicius spent 10 months in custody before his trial on charges of abusing his powers in a major smuggling case. He was sentenced to the 10 months served for neglecting his duties and released in court. Sipavicius complained that the charges against him suddenly were changed and that he had not had time to prepare to defend himself against the new charges.

Through December 2000, the ECHR ruled against the Government in 5 cases involving various breaches of conventions, laws, and regulations concerning arbitrary detention and the right to a fair trial.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the right to privacy, and the Government generally respects this right in practice. The authorities do not engage in indiscriminate or

entirely public entity; however, attempts to make it independent financially from the Government have lagged.

There are no restrictions on academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the rights of peaceful assembly and association, and the Government respects them in practice.

The Communist Party of Lithuania and other organizations associated with the former Soviet regime continued to be banned.

*c. Freedom of Religion.*—The Constitution provides for religious freedom, and the Government generally respects this provision in practice. A 1995 law grants religious communities, associations, and centers property rights to prayer houses, homes, and other buildings. Article 5 of this law mentions nine religious communities that have been declared “traditional” by the law and therefore are eligible for governmental assistance: Latin Rite Catholics; Greek Rite Catholics; Evangelical Lutherans; Evangelical Reformers; Orthodox; Old Believers; Jews; Sunni Muslims; and Karaites. In 1999 the Hasidic Chabad Lubavich community was recognized by the Ministry of Justice as a part of the Jewish religious community, thereby gaining the status of an official religious community that the rest of the Jewish community had enjoyed since 1995. Other religious communities are not eligible for financial assistance from the Government, but there are no restrictions on their activities or property rights. Nontraditional foreign religious workers must obtain work permits, and they face difficult bureaucratic requirements in obtaining residence permits from officials who regard them as representatives of cults and sects. These religious workers complain of unofficial harassment. There are no restrictions on the activities of other religious communities. In 1999 the Seimas amended the Law on Religious Communities and Associations. The amendment provides funding from the national budget for educational institutions of traditional religious organizations. The Government Department of European Law has warned publicly that this amendment discriminates in favor of traditional religious communities versus nontraditional; the law is expected to come into effect in 2001.

Under 1995 legislation, the Catholic community has been more successful in having its property returned than the Jewish community; an agreement between Jewish community leaders and the World Jewish Restitution Organization signed in 1995 never has been implemented. However, some religious property, including 26 synagogues, was returned to the Jewish community, mostly from 1993 to 1996.

The law provides for the restitution of private property to citizens, but the deadline for filing claims has passed. A number of successful claims were made, and others still are pending. A lack of funds for compensation and protracted bureaucratic obstacles are the primary problems preventing the return of private property. The Government has taken no action on the problem of heirless (community) property and has no plans to do so.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Under the law, citizens and permanent residents are permitted free movement within the country and the right to return to the country, and the Government respects these rights in practice. There are no restrictions on foreign travel.

Under 1997 and 1998 legislation, the Government grants refugee status to qualified applicants in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

There is a registration center for migrants and asylum seekers in the town of Pabrade, where 30 illegal immigrants were registered in August, and a refugee reception center for asylum seekers in the town of Rukla, where 56 persons were registered. Living conditions at the center for refugees in Rukla are modern, safe, and healthy. The center has benefited from financing from other European countries. The center in Pabrade is overcrowded and rundown, but construction was underway on a new complex there. As of September, of a total of 2,765 foreigners initially settled at the Pabrade center (since 1997), 1,884 eventually were deported. Irregular migration reached its peak in 1997. By mid-2000 it had decreased by more than 400 percent due to improved border control, the adoption of new and strict laws against human smuggling, and the more effective detention and return of migrants to their countries of origin. However, counter to this trend, illegal immigration from CIS countries and Afghanistan was on the rise. The Government continued its efforts to stop illegal migrants by negotiating readmission agreements with Russia and Belarus, the two countries used by most migrants to reach Lithuania, but no progress had been made by year's end. A border demarcation agreement with Belarus was ratified. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. There

were no reports of the forced return of persons to a country where they feared persecution.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Seimas, 71 are elected directly, and 70 are elected through proportional representation. Only those parties that receive more than 5 percent of the total ballots (or 7 percent for coalitions) are allowed representation in the Parliament.

In 1998 independent candidate Valdas Adamkus was elected President by a narrow margin. Following the resignation of Prime Minister Gediminas Vagnorius, the Seimas endorsed the 14-member Cabinet of Prime Minister Rolandas Paksas, a member of the ruling Conservative Party, to carry out the amended program of the Government. Paksas resigned in October 1998 in opposition to a government oil privatization contract. The next Prime Minister, Andrius Kubilius, stepped down after the October 2000 general elections, and Rolandas Paksas, who switched parties and became leader of the Liberal Union, was sworn in as Prime Minister.

Women are underrepresented in politics and government, although there are no legal restrictions on their participation. The number of female parliamentarians in the new 141-seat Seimas, elected in October, is 14 compared with 24 in the previous Seimas; as in the previous government, there is 1 female minister in the new 14-member Cabinet.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Most government authorities cooperate with local nongovernmental organizations and actively encourage visits by international and nongovernmental human rights groups. A key exception in the past was the Ministry of Interior, which continually refused to release information on police brutality and statistics on corruption-related incidents. The Ministry is more willing to share such information; however, it has released few statistics or reports. The Association for the Defense of Human Rights in Lithuania is an umbrella organization for several small human rights groups, all of which operate without government restriction.

The division of human rights of the department of international law and European integration in the Ministry of Justice monitors law and legal practice to determine whether they are in accord with the country's international obligations.

*Section 5. Discrimination based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination based on race, sex, religion, disability, or ethnic background; however, discrimination against women in employment and other areas persists.

*Women.*—The abuse of women at home is reportedly common, especially in connection with alcohol abuse by husbands, but institutional mechanisms for coping with this problem are developing slowly. A women's shelter funded in part with Norwegian assistance is now in operation. According to one sociological survey published in 1997, 20 percent of women reported experiencing an attempted rape, while another 33 percent reported having been beaten at least once in their lives. During the first 6 months of the year, 154 rapes were reported, but only 78 were registered and prosecuted. Official statistics on the incidence of abuse of women in the home are not reported separately from other categories of assault. Persons convicted of rape generally receive sentences of from 3 to 5 years in prison.

Trafficking in women for the purpose of forced prostitution is a problem (see Sections 1.b., 6.c., and 6.f.).

The Constitution provides for equal rights for men and women; however, women continue to face discrimination. Official policy specifies equal pay for equal work. The Law of Realization on Equal Rights and Opportunities for Women and Men came into effect on March 1, 1999. The Office of the Ombudsman for Equal Opportunities of Women and Men was established in May, and the Seimas appointed lawyer Ausra Burneikiene as ombudsman. The Ombudsman's Office is an independent public organization, accountable to the Seimas, which oversees the implementation of the law and investigates complaints concerning violations of gender discrimination and sexual harassment. The ombudsman also has some enforcement powers in this regard, and the new Criminal Code envisions criminal sanctions for discrimination or harassment. Generally, men and women receive the same pay for comparable work, but women are underrepresented significantly in some professions and in the managerial sector as a whole. Women are underrepresented in businesses. Signifi-

cant inequalities in society based on gender continue, and conservative views about the role of women persist. In 1999 the Ministry of Education and Science abolished preferential university entrance criteria. Since then the equal opportunities ombudsman also closely followed admission examinations to high schools. During the period from March to August, the ombudsman received 20 complaints based on gender discrimination. During the period from July 1999, when the ombudsman's office began operating, to March 2000, 35 complaints were registered.

*Children.*—The Government demonstrates its commitment to children's rights and welfare through a system of public education and medical care. The Government provides compulsory, free, and universal primary school education for children through the age of 15 or 9th grade. The Government provides low-cost health care for all children. A special office in the Ministry of Social Security and Labor oversees implementation of the Government's program for children, and an ombudsperson for children was established during the year.

The Ministries of Social Security and Labor and of the Interior share official responsibility for the protection of children's rights and welfare. By the end of April 1999, the Minister of Justice had appointed 85 judges in the district courts for hearings in juvenile criminal cases and cases related to children's rights (adoption and paternity matters). Starting in 1994, the Children's Rights Office of the Ministry of Social Security and Labor (also known as the Children's Rights Protection Council) began to take on many of the functions formerly handled by the Interior Ministry and its police officers throughout the country, thereby focusing more attention on the social welfare needs of children. As of January 2000, the service identified 36,856 children in abusive and dysfunctional families, a 44 percent increase compared with 1995. The number of such families grew by 65 percent over the same period.

The ombudsperson's office for children, established in November, is taking over most of the functions of the Children's Rights Protection Council. In August an adoption service at the Ministry of Social Security and Labor was established to oversee implementation of the 1993 Hague Adoption Convention. The Office of Family and Children at the Ministry of Social Security and Labor formulates and implements the Government's program for family and children.

Child abuse is a problem. Child abuse in connection with alcohol abuse by parents is a serious problem. The prevalence of authoritarian values in family upbringing has discouraged more active measures against child abuse; however, the press has reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and murder. Authorities reported that two children were killed by their parents in 1998; however, the media widely reported on five cases during the year. The penalties for violence and cruel behavior against underage persons were made stricter in 1999, providing for imprisonment terms of from 1 to 2 years. No department or organization collects information on child abuse.

There is one rehabilitation center in the country for children who have been abused sexually. The Penal Code provides for terms of up to 3 year's imprisonment for sexual abuse and from 1 to 4 years' imprisonment for exploiting children in the production of pornography. There is no official data on the exploitation of children in pornography cases.

Trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

*People with Disabilities.*—The 1991 Law on Integrating Disabled People provides for a broad category of rights and public benefits to which disabled people are entitled legally. Legal provisions for access to buildings for the disabled are in place but are not enforced widely; the vast majority of public buildings remain inaccessible to the disabled.

In 1999 there were 544,674 adults and 13,276 children with disabilities. The latest data available shows that in 1998 spending for disabled persons was \$166 million (666.58 million litas) or 1.55 percent of GDP, with various assistance programs being implemented. A project in Kaunas to build an apartment building for persons with disabilities has not been finished due to a lack of funds and the pending privatization of the state institution that was to have supervised the project. A center for deaf children and a program for children with special orthopedic problems have been in effect since 1997.

*Religious Minorities.*—A certain level of anti-Semitic sentiment persists in the country, reflected in sporadic public incidents of anti-Semitism and sensationalist exploitation of anti-Semitism for commercial gain. In November the Prosecutor General launched an official criminal investigation into anti-Semitic articles published on October 18 in the national daily newspaper *Lietuvos Aidas* (circulation 10,000). The President, Prime Minister, and the journalists' union publicly condemned the articles. The Penal Code provides for a sentence of from 2 to 10 years' imprisonment

for incitement of racial or national hatred or incitement of violence against foreigners. The investigation continued at year's end.

*National/Racial/Ethnic Minorities.*—Minority ethnic groups—including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites—make up roughly 20 percent of the population. Members of the Polish Parliament criticized the Government in February over alleged discrimination against the Polish minority.

Many nonethnic Lithuanian public sector employees by law were required to attain a functional knowledge of the Lithuanian language within several years, although the authorities have been granting liberal extensions of the time frame in which this competence is to be achieved. In the first half of the year, 223 persons took the language portion of the citizenship test, and 209 persons passed. From January to August, 352 persons were naturalized (compared with 567 in 1999 and 550 in 1998). There is no documented evidence of job dismissals based on the language law. The authorities have indicated that the intent of the law is to apply moral incentives to learn Lithuanian as the official language of the State; they have asserted that no one would be dismissed solely because of an inability to meet the language requirements.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and the 1991 Law on Trade Unions recognize the right of workers and employees to form and join trade unions. The Law on Trade Unions formally extends this right to employees of the police and the armed forces, although the Collective Agreements Law of 1991 does not allow collective bargaining by government employees involved in law enforcement and security-related work.

In 1990 the Lithuanian branch of the Soviet Union's

All-Union Central Council of Trade Unions, which includes 23 of 25 trade unions, renamed itself the Confederation of Free Trade Unions (CFTU) and began asserting increased independence from its Soviet parent organization. In 1993 the CFTU joined eight other unions that also had been part of the All-Union Central Council to form the Lithuanian Trade Union Center (LTUC).

Four major trade union associations work within the trilateral commission, which is composed of representatives of the Government, trade unions, and employers' organizations: The LTUC (110,000 members as of June 2000), the Lithuanian Workers' Union or LWU (52,000 members), the Association of Lithuanian Trade Unions (41,650 members), and the Lithuanian Work Federation (over 15,000 members).

The Constitution and the Law on Trade Unions provide for the right to strike, although public workers in essential services may not do so. No major strikes took place during the year; 56 other labor actions occurred during the first 8 months of the year.

There are no restrictions on unions affiliating with international trade unions.

*b. The Right to Organize and Bargain Collectively.*—The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees, although several provisions reportedly hinder the establishment of new unions. Probably as a result of the discrediting of labor unions during the Soviet period, only 10 percent of enterprises have trade unions. Some 10 to 15 percent of the workforce is unionized. Collective negotiations regarding labor relations, including wages, are not very widespread. Workers often present their own case against their employer. Negotiations are more common in enterprises that have trade unions.

According to the law, unions, in order to be registered, must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises. Difficulties commonly arise in state enterprises in which employees are represented by more than one union. LWU officials charge that managers in some state enterprises discriminated against LWU organizers and have on occasion dismissed employees in retribution for their trade union activities. The LWU also charged that the judicial system was slow to respond to LWU grievances regarding dismissals from work. LWU representatives claimed that state managers sometimes preferred the CFTU/LTUC over LWU unions as collective bargaining partners.

In general trade union spokesmen said that managers often determine wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government issues periodic decrees that serve as guidelines for state enterprise management in setting wage scales. The LWU and the LTUC engage in direct collective bargaining over wages at the workplace level. Wage decisions increasingly are being made at the enterprise level, although government ministries still retain some control over this sphere in state-owned enterprises. The LWU reports that it supplements its bargaining efforts with active lobbying in government ministries that own enterprises.



There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution specifically prohibits forced labor by all, including children, and this prohibition generally is observed in practice; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Sections 1.b., 5, and 6.f.). Families of women who are trafficked often believe they have disappeared or been kidnaped.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The legal minimum age for employment of children without parental consent is 16 years; with the written consent of parents, it is 14 years. Complaints about the infringement of child labor regulations generally are referred to local prosecutors who investigate the charges and take legal action to stop violations. Child labor problems appear to be rare.

The Constitution specifically prohibits forced and bonded labor by children, and this prohibition generally is observed in practice; however, girls are trafficked for the purpose of forced prostitution (see Sections 5, 6.c., and 6.f.).

*e. Acceptable Conditions of Work.*—The Constitution provides for every person's right to receive just payment for work.

The legal minimum wage has been stable at \$107.50 (430 litas) per month since December 1999. The minimum wage does not provide a decent standard of living for a worker and family. The average wage in July 2000 was \$275 (1,100 litas) per month, which is a 0.5 percent increase since July 1999. The Council of Ministers and the Ministry of Social Security and Labor periodically adjust the minimum wage. Every 3 months these government bodies must submit their minimum wage proposals to the Seimas, which has the right to approve or revise the minimum wage level. Enforcement of the minimum wage is almost nonexistent, in part because the Government does not want to increase unemployment.

The 40-hour workweek is standard, with a provision for at least one 24-hour rest period. For a majority of the population, living standards remain low. Some 65 percent of the expenditures of the poorest 16 percent of households goes for food, compared with 30 percent for food in the top 10 percent.

The Constitution provides that workers have the right to safe and healthy working conditions. The State Labor Inspection Service implements the Labor Safety Law. From January to July, the Labor Inspection Service received 2,169 complaints and declarations, of which more than 1,458 were found to have merit. Of the complaints, 90.5 percent involved abuses of labor laws while only 9.5 percent dealt with working conditions. The most numerous abuses include illegal employment (working without a written contract), wage arrears, and time off.

In October the Seimas passed amendments to the Law on Safety at Work. The law now complies with European Union directives and outlines clear responsibility of the employer for the safety and health of employees at work. The 1993 Labor Safety Law sets out the rights of workers facing hazardous conditions and provides legal protection for workers who file complaints about such conditions. Workers may remove themselves from hazardous job conditions without losing their jobs.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; however, trafficking in women and girls for the purpose of forced prostitution was a problem. A 1998 law criminalizes trafficking in persons for purposes of sexual abuse: the penalty is 4 to 8 years' imprisonment. There were no prosecutions under this statute during the year.

The country is a source, transit point, and destination for trafficking in women. Women from Belarus, Russia (Kalingrad District), Latvia, and the Lithuanian countryside are trafficked to major cities. Some are trafficked further to Western Europe and elsewhere. Germany, Israel, the Netherlands, Denmark, and Austria are major destinations, based on the figures of women subsequently deported from these countries to Lithuania.

A number of women, some underage, have been enticed or forced into prostitution and sold abroad by organized crime figures. Many are lured by deceptive offers of seemingly innocent jobs such as household helpers, bar dancers, or waitresses. Women also are tricked into prostitution through false marriage advertisements. Their families often are unaware of their predicament and believe that they have disappeared or been kidnaped. However, it is difficult to determine what percentage were enticed or coerced and how many departed voluntarily. Of those returned to Lithuania as deportees, 70 percent reportedly said that they knew what type of work they were going to undertake.

Experts from nongovernmental organizations consider government efforts to prevent trafficking in persons and search for missing persons unsatisfactory. In July the border police were instructed to pay more attention to young persons, particularly females, traveling abroad. Since January statistics on deported persons are being collected. During the first half of the year, 1,618 persons were deported back

to Lithuania. Most of them worked or attempted to work illegally, stayed illegally in other countries, or were turned back at the border. The absolute majority of them are citizens of Lithuania. There are no specific government assistance programs for victims of trafficking; however, the police offer protection for witnesses.

The media report extensively on trafficking in persons. A local nongovernmental organization, the Missing Persons' Families Support Center, received a foreign grant during the year to conduct an awareness campaign on trafficking in persons.

## LUXEMBOURG

Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The Prime Minister is the leader of the dominant party in the popularly elected Parliament. The Council of State, whose members are appointed by the Grand Duke, serves as an advisory body to the Parliament. The judiciary is independent.

The Government effectively controls the security apparatus, which consists of the police and gendarmerie.

Luxembourg has a prosperous market economy with active industrial and service sectors. The standard of living and the level of social benefits are high.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards. The Government permits prison visits by human rights monitors.

From December 1999 to May 2000, 6 inmates committed suicide at the penitentiary in Schrassig, which houses 330 inmates. A report commissioned by the Government cited poor management, rampant drug use, and an insufficient number of trained personnel at the prison to cope with the inmates' medical and psychological problems. In October the Minister of Justice appointed a new prison director and allocated \$1.3 million (LUF 60 million) to fund antidrug programs at the penitentiary.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions.

Judicial warrants are required by law for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must lodge charges and bring suspects before a judge. Suspects are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The independent judiciary is headed by the Supreme Court, whose members are appointed by the Grand Duke. One of the country's three Justices of the Peace has

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*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

The Government failed to act on its 1999 pledge to introduce legislation to reform an 1869 press law that requires journalists to reveal confidential sources, following the 1998 police search of a journalist's office who had alleged corruption on the part of the Interior Minister.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for these rights, and the Government respects them in practice. The Government requires and routinely issues permits for public meetings and demonstrations.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no state religion, but the State pays the salaries of Roman Catholic, some Protestant, Orthodox, and Jewish clergy, and several local governments maintain sectarian religious facilities. The Anglican and Islamic congregations continued to wait for a decision by the Department of Religion regarding requests for government funding made several years ago.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and provides first asylum. The law provides for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not expel those having a valid claim to refugee status, and there were no reports of the forced return of persons to a country where they feared persecution.

The country has a refugee population of 4,681, some 4,400 of whom come from Montenegro, according to government reports. This number represents more than 1 percent of the total population. In March the Government passed legislation to create a status of temporary protection for refugees and to modify procedures to adjudicate requests for asylum. The Government received some 600 new requests for asylum during the year. Of the 1,800 total asylum requests examined, 100 were approved.

In March the Government enacted a financial assistance program to encourage the voluntary repatriation of refugees to their countries of origin. In April the Government created a service council to assist those refugees wanting to utilize the financial aid program. By August some 280 refugees returned voluntarily to their countries of origin, 5 were forcibly returned to Albania, and 29 were transferred to other European Union member states under the 1993 Dublin Convention.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Luxembourg is a multiparty democracy. Suffrage is universal and compulsory for citizens 18 years of age and above, and balloting is secret. National parliamentary elections are held every 5 years.

Women are underrepresented in government and politics, although they are active in political life. Of 60 members of Parliament, 10 are women, as are 4 members of the Cabinet.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Human rights groups operate without government restriction. Government officials are cooperative and responsive to their views.

In June the Government established the Consultative Commission on Human Rights. This 22-member independent body acts as a consultant to the Government on human rights issues. The commission can propose measures to the Government to increase the protection and promotion of human rights and also serves as the national correspondent for the Vienna-based European Observatory of Racial and Xenophobic Phenomena.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The law prohibits racial, sexual, or social discrimination, and the Government enforces these provisions. Blatant societal discrimination occurs only rarely.

*Women.*—In 1999 shelters provided refuge to 368 women and 413 children, a slight decrease from 1998 levels. Information offices set up to respond to women in

distress reported that they received 4,364 telephone calls in 1999. The Government funds organizations that provide shelter, counseling, and hot lines. Women enjoy the same property rights as men. In the absence of a prenuptial agreement, property is divided equally upon the dissolution of a marriage.

The law mandates equal pay for equal work, and the Ministry for the Promotion of Women has a mandate to encourage a climate of equal treatment and opportunity. However, according to government reports, women are paid 20 to 30 percent less than men for comparable work. The Government cites the interruption in the careers of women caused by childbirth and their maternal roles as one reason for the disparity. To date there have been no work-related discrimination lawsuits. Women constitute 38 percent of the work force.

*Children.*—The Government demonstrates a strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The law mandates school attendance from the ages of 4 to 16. Schooling is free through the secondary level, and the Government provides some financial assistance for postsecondary education.

In September at the millennium summit of the United Nations, the Government signed two children's rights protocols: The Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, and the Protocol to the Convention on the Rights of the Child Concerning the Implications of Armed Conflict.

There is no societal pattern of abuse of children. A physicians' organization estimates that approximately 200 cases of child abuse are treated in hospitals each year that result in legal proceedings. This group is working to reform judicial procedures to permit videotaped testimony in court proceedings and the testimony of child psychiatrists, as well as the coordination of hospital records in child abuse cases. In May the Government set up a hot line for young persons in distress; by the end of the year it had received 183 calls.

In 1999 the Government passed a comprehensive new law dealing with the sexual exploitation of children. The law increased penalties for adults who traffic in children, facilitate child prostitution, or exploit children through pornography. The law also extended the country's criminal jurisdiction over citizens and residents who engage in such activities abroad. No such trafficking was reported during the year.

*People with Disabilities.*—The law prohibits discrimination against people with disabilities in employment, education, and the provision of other state services. The law does not directly mandate accessibility for the disabled, but the Government pays subsidies to builders to construct "disabled-friendly" structures. Despite government incentives, only a modest proportion of buildings and public transportation are modified to accommodate people with disabilities.

The Government helps disabled persons obtain employment and professional education. Businesses and enterprises with at least 25 employees by law must fill a quota for hiring disabled workers and must pay them prevailing wages. The quotas are fixed according to the total number of employees; employers who do not fulfill them are subject to sizable monthly fines. The Government provides subsidies and tax breaks for employers who hire the disabled. There have been no known complaints of noncompliance with the disability laws.

Despite strong legal protections, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons are not applied or enforced consistently, and there is a particular problem in the case of persons with mental disabilities. The Government was reviewing the effectiveness of the disability legislation, particularly the provisions that establish quotas, at year's end.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—All workers have the right to associate freely and choose their representatives. About 57 percent of the working population belongs to a trade union. Membership is not mandatory. Unions operate free of governmental interference. The two largest labor federations are linked to, but organized independently of, major political parties. The law prohibits discrimination against strike leaders, and a labor tribunal deals with complaints.

The Constitution provides for the right to strike, except for government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The Government's National Conciliation Office must certify that conciliation efforts have ended for a strike to be legal. No strikes, legal or illegal, occurred during the year.

Unions maintain unrestricted contact with international bodies.

*b. The Right to Organize and Bargain Collectively.*—The law provides for and protects collective bargaining, which is conducted in periodic negotiations between centralized organizations of unions and employers. Enterprises having 15 or more em-

employees must have worker representatives to conduct collective bargaining. Enterprises with over 150 employees must form joint works councils composed of equal numbers of management and employee representatives. In enterprises with more than 1,000 employees, one-third of the membership of the supervisory boards of directors must be employee representatives.

The law provides for the adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal can fine an employer found guilty of antiunion discrimination, but it cannot require the employer to reinstate a worker fired for union activities.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor by children and adults, and it is not known to occur.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits the employment of children under the age of 16 and requires all children to remain in school until the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitor the enforcement of child labor and education laws.

*e. Acceptable Conditions of Work.*—The law provides for minimum wage rates that vary according to the worker's age and number of dependents. The minimum wage for a single worker over the age of 18 is \$6.34 (LUF 285) per hour. Supporting a family is difficult on the minimum wage, but most employees earn more than the minimum.

The law mandates a maximum workweek of 40 hours. Premium pay is required for overtime or unusual hours. Employment on Sunday is permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries have requested permission for Sunday work, which the government grants on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage; employees must be given compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. All workers receive at least 5 weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provides severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor and the Accident Insurance Agency of the Social Security Ministry carry out their inspections effectively.

No laws or regulations specifically provide workers the right to remove themselves from dangerous work situations without jeopardy to continued employment, but every worker has the right to ask the Labor Inspectorate to make a determination, and the inspectorate usually does so expeditiously.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country. In August the Ministry of Labor denied allegations made by a European Parliament Deputy that Luxembourg is a "turntable" for trafficking in women. The Deputy's report stated that the Government grants limited entry visas to Eastern and Central European women to work as performers in cabarets. The Ministry said that it issued 146 limited visas during the year to women who had received job offers as janitors, hairdressers, and other similar positions.

## MACEDONIA, FORMER YUGOSLAV REPUBLIC OF

Macedonia, which became independent in 1991 following the breakup of Yugoslavia, is a parliamentary democracy led by a coalition government. It has a popularly elected president. In multiparty parliamentary elections held in October and November 1998, opposition parties defeated parties of the governing coalition in voting that international observers concluded was conducted fairly and reflected the will of the electorate. International observers considered the conduct of the first round of voting for president on October 31, 1999, to be satisfactory; however, there were allegations of fraud and ballot stuffing in the second round on November 14, and the Supreme Court ordered another vote in most of the country's ethnic Albanian polling stations, which was conducted on December 5. That final round also

was marred by irregularities; however, international observers concluded that these likely did not affect the final outcome and resulted in the election of President Boris Trajkovski. The judiciary is generally independent, although at times inefficient.

The Ministry of Interior oversees the uniformed police, criminal police, border police, and the state intelligence service. Municipal police chiefs are responsible to the Ministry of Interior, not to municipal leaders. The Ministry is under the control of a civilian minister; a parliamentary commission oversees operations. The Ministry of Defense shares with the border police responsibility for border security. Some members of the police occasionally committed human rights abuses.

The economy is in transition from Yugoslav-style communism to a market-based system. Most firms are privatized, large money-losing state enterprises are being restructured, and inflation has remained below 4 percent in recent years. However, during the year, the transitive effects of introducing a new Value Added Tax system, coupled with a year-end surge in fuel prices, caused inflation to reach about 10 percent. The economy improved substantially after the lifting of the Greek embargo and the suspension of international sanctions against Serbia, both in 1995, before which the gross domestic product (GDP) had fallen an estimated 50 percent. Growth resumed slowly in 1996 and continued at about a 5 percent rate until the outbreak of the Kosovo crisis in the spring of 1999. The crisis cut many firms off from customers in Serbia and made the transportation of goods to and from other parts of Europe more difficult and expensive. The overall economic effects of the Kosovo crisis were quite negative, but the local and regional influx of international funds related to humanitarian efforts and the NATO Kosovo Force (KFOR) mission has helped stem the economic decline and generated positive growth. The economy made broad-based gains during the year, and GDP grew about 6 percent. Unemployment was high; the gray economy was large. Some workers received their pay weeks or months late.

The Government generally respected the human rights of its citizens; however, serious problems remained in several areas. Police were accused of extrajudicial killings involving at least two deaths of detainees in custody, and the Government took inadequate steps to clarify the circumstances or discipline responsible officers. Police on occasion abused suspects and prisoners, in particular Roma and ethnic Albanians. Arbitrary arrest and detention were problems. The Government was working to end the practice of police compelling citizens to appear for questioning, pursuant to a 1997 law; however, incidents involving the use of such practices still occurred. Another 1997 law imposes some limitations on religious practices. The Government took inadequate measures to ensure the security of the electoral process during nationwide local elections, resulting in incidents of violence and procedural problems that were strongly criticized by the OSCE. Societal discrimination against minorities, including Roma, ethnic Albanians, ethnic Turks, and ethnic Serbs, was a problem. Ethnic minorities continued to make progress in securing more representation in Government and politics, although ethnic Macedonians still hold a disproportionately high number of positions. Violence and discrimination against women remained problems; trafficking in women and girls for prostitution was also a problem.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political killings; however, there were credible reports of at least two deaths in police custody. An ethnic Albanian suspected of involvement in the January 11 murder of three police officers died under suspicious circumstances while in police custody in January. The official report stated that the suspect died of a drug overdose, but friends and family members who saw the body before the burial charged that he was shot. No autopsy report has been made public. A second ethnic Albanian suspect died in police custody in February after his arrest for theft. Authorities reported his death to be a suicide, but his family claimed that he died due to injuries received while being questioned. On May 14, an ethnic Albanian man died in a Skopje prison. The Government did not take adequate steps to investigate, to inform the public, or to discipline the responsible officers in any of these cases. During a December 1998 police raid on the home of an ethnic Albanian suspect believed to have stockpiled illegal arms, the suspect's father was killed by police gunfire. A government inquiry cleared the police of any wrongdoing, but the incident remained controversial.

*b. Disappearance.*—There were no reports of politically motivated disappearances attributed to government agents.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such treatment and punishment; however, police occasionally used excessive force during the apprehension of criminal suspects, and they occasionally abused prisoners, especially members of ethnic minorities.

Following the killing of three police officers outside Aracinovo on January 11, police beat numerous ethnic Albanian residents, destroyed property, and used tear gas in raids. One of the three suspects arrested in connection with the killings died in police custody (see Section 1.a.). Human Rights Watch reported that nine other suspects were arrested and beaten in custody and that some were forced to sign confessions. An investigation by the Office of the Ombudsman found that the police had used excessive force in Aracinovo and recommended an internal investigation. Although some families were compensated for damage to their property, the Government did little to address police abuse in the wake of the incident.

There are credible reports of occasional police violence against Roma, including beatings during arrest and while in detention. Roma rights organizations also complained of police harassment of Roma and accused the police of reinforcing patterns of societal discrimination by consistently siding with ethnic Macedonian citizens in any disputes involving Roma.

On April 21, police reportedly beat an "Egyptian" couple (the country's Egyptians consider themselves distinct from Roma) near Ohrid at a traffic stop. The husband, a taxi driver, was arrested for not presenting the necessary permits, although he later claimed that he had presented them. Police allegedly beat the man in custody and kept him in jail for 8 days. According to the European Roma Rights Center (ERRC), a police officer reportedly beat a 20-year-old Romani man with a truncheon at the police station in Stip on January 9. Police reportedly beat a 16-year-old Romani boy in the village of Krivolak on May 14. Police officers and non-Romani civilians reportedly attacked and severely beat six Romani men in Stip on May 26.

The vast majority of Kosovar refugees returned to Kosovo during the second half of 1999; most of those who remain are Roma. Several thousand Roma refugees are housed in collective centers or in private accommodations. According to the ERRC, the police allegedly beat and detained a Romani refugee from Kosovo on September 10. In October the Roma residents of the Suto Orizari collective center began a series of protests over the food served to them. The World Food Program (WFP) inspected the facility and reviewed the food situation; WFP concluded that the water system at the center was barely adequate and needed improvements, but that the food rations given to refugees were up to international standards.

There were three attacks on police stations during the year. On February 2, a bomb exploded in front of the Directorate of Interior in Kumanovo. No one was reported injured in the explosion.

There were some incidents of violence during the September elections. Police beat an opposition supporter; several police officers were suspended pending an investigation. There were a few shootings by members of political parties. In another incident, a Member of Parliament fired into a crowd of demonstrators (see Section 3).

Prison conditions meet minimum international standards; however, there were two deaths in custody. Prisons meet basic needs of food, hygiene, and access to medical care. Men and women are held separately. While juveniles are also supposed to be held separately, limited facilities sometimes result in older juveniles being confined with adults.

The Government permits prison visits by human rights monitors and the Human Rights Ombudsman. The Government agreed to allow the International Committee of the Red Cross (ICRC) to visit prisons under procedures which the ICRC finds acceptable, but has not yet agreed to commit to those procedures in a binding, written agreement with the ICRC.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution states that a person must be arraigned in court within 24 hours of arrest. The maximum length of pre-trial detention was increased in 1998 from 90 to 180 days by constitutional amendment. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. Arbitrary arrest and detention are problems. Although the law requires warrants for arrests, this provision frequently is ignored, and it is not uncommon for a warrant to be issued some time after an arrest. According to human rights observers and criminal defense attorneys, police sometimes violate the 24-hour time period within which a suspect must be arraigned and deny immediate access to an attorney.

The Government has not yet ended completely the practice of police compelling citizens to appear at police stations through an "invitation" for "informative talks." Although a law on criminal procedures was passed in 1997 that states that police cannot force citizens to appear for these sessions without presentation of a court order, the practice continued to be applied on occasion. Roma rights organizations

accuse the police of arbitrarily arresting and detaining Roma, and there are credible reports of such police actions.

The police continued a pattern of selective enforcement of various laws and regulations against individuals and businesses linked with the political opposition. The police initiated a series of raids on businesses in 1999, seized records, and briefly detained some 20 enterprise directors and officers to question them on charges of corruption and failure to pay taxes. Almost all of the individuals who were questioned or whose offices were raided were connected to opposition political parties, and the raids were widely viewed as having been politically motivated. The Government publicly defended itself against media criticism of its actions by releasing information on the alleged crimes under investigation, but no charges were ever brought against the subjects of the raids. During the year several opposition-oriented media outlets and other firms were the subject of tax inquiries; in one case official action was initiated to tear down an illegally constructed building erected by an opposition-oriented media owner (see Section 2.a.). The authorities defended their actions as being based upon law, but the individuals and firms involved noted that while tax and construction offenses are very common, the Government appeared to take enforcement actions mostly against entities linked to the opposition. A similar police raid in December 1999 against the director of a company involved in a dispute with the Government resulted in a media outcry and the suspension by the Ministry of Interior of the local chief of police who conducted the operation.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice, although the court system is still developing and is sometimes inefficient and slow.

The court system is three tiered and comprises municipal courts, district courts, and a Supreme Court. A Constitutional Court deals with matters of constitutional interpretation.

The Constitutional Court has a mandate to protect the human rights of citizens but has not taken action in any case in this area. In addition the Constitution provides for a public attorney to protect the constitutional and legal rights of citizens when violated by bodies of state administration and other agencies with public mandates. The Office of the People's Ombudsman was created and became functional in 1997 (see Section 4).

Trials are presided over by judges appointed by the Republican Judicial Council (an independent agency) and confirmed by Parliament. The judges are assisted by two members of the community who serve essentially as consulting jurors, although the judge makes the final decision. Court hearings and the rendering of verdicts are open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant is of concern. Trials cannot be televised, pursuant to the Criminal Procedure Code, although the court in certain cases can authorize the presence of television and film cameras.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, and government authorities generally respect these prohibitions. Opposition political leaders accused the Government of wire-tapping their telephones and released some transcripts of telephone conversations from late in the year that they claimed proved the truth of their charges. An investigation into the charges is underway.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Several daily newspapers are published in Skopje, as well as numerous weekly or periodical political and other publications. Most towns and municipalities have local newspapers. Government-subsidized newspapers in the Albanian and Turkish languages are published and distributed nationally by the leading news publishing house. The Government subsidizes some other newspapers and magazines. The process of granting media subsidies is not transparent, leading to charges of political bias in government support for the independent media. Several privately owned publications have a wide distribution throughout the country, and some are considered to be oriented toward opposition political parties. The media that remain partially state owned are government oriented but report on opposition press conferences and statements and in general provide coverage of the major opposition parties. The leading newspaper publisher is still partially government owned and controls one of only two modern, high-speed printing facilities in the country, as well as many newspaper kiosks. Following the parliamentary elections in late 1998, influence over this publisher passed to the new Government. International monitors noted that the media provided generally unbiased coverage of the full spectrum of



political debate. However, media outlets often reflected the views of one or another political party.

Distributors of foreign newspapers and magazines must obtain the permission of the Ministry of Interior. All such requests during the year were approved. Media reports indicated that one edition of the Albanian newspaper Bota Sot was confiscated in Gostivar and Tetovo because it contained articles critical of the leadership of the Democratic Party of Albanians (DPA). The party denied any involvement and quickly arranged for the articles in question to be reprinted and run in the local Albanian language newspapers. Foreign newspapers, including those from neighboring countries, are available throughout the country.

State-run radio and television is in countrywide competition with two private television stations and one private radio station that are licensed to broadcast nationally. The state broadcast media also face the competition of dozens of small independent local radio and television stations throughout the country. The Broadcast Council issues licenses to broadcasters, in a process that international observers consider generally meets international norms. License fees collected from private broadcasters are supposed to help subsidize the state-run system, but collections are inconsistent. Dozens of illegal, "pirate" radio and television stations operate without licenses and pay no fees.

Individuals and opposition political groups criticize the Government, but during the year media complaints arose over alleged intimidation of newspapers and television companies critical of the Government. The intimidation took the form of law enforcement action against the media companies and their financial backers in areas such as tax collection and checks of building permits, areas in which there is widespread noncompliance among private companies. One notable case involved the Government's order to tear down a building belonging to the owner of an opposition-oriented media company because of a supposed failure to obtain the proper building permit. The Government eventually reversed its order, but the incident left the impression that officials were selectively enforcing laws in an effort to control the behavior of the media (see Section 1.d.).

On May 12, the Government introduced a draft law on information to replace existing regulations from the Communist era. Local journalists and international press groups criticized the draft law and provisions that would require local journalists to obtain government-issued press accreditation. The law remained pending at year's end.

The Government respects academic freedom. Because government-recognized higher education is not yet available in the Albanian language (except for teacher training), some ethnic Albanians claim that they do not have complete academic freedom. They want to see the currently unauthorized Albanian-language Tetovo University gain legal status, or a new accredited private institution to be established, so that they can study in their native language at the university level (see Section 5).

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Advance notification of large meetings is optional; political and protest rallies occur regularly without major incident. Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior and can only be convened by registered religious groups (see Section 2.c.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties and organizations are required to register with a court. More than 40 political parties are registered, including ethnically based parties of Albanians, Turks, Serbs, and Roma.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. However, the 1997 Law on Religious Communities and Groups limits some aspects of religious practice, although the law does not appear to be enforced consistently. While the Macedonian Orthodox Church is mentioned by name in the Constitution, it does not enjoy official status.

The 1997 Law on Religious Communities and Groups designates the Macedonian Orthodox Church, the Islamic community, and the Roman Catholic Church as "religious communities," while all other religions are designated "religious groups." However, despite the difference in designation, there is no legal difference between the two categories.

The law places some limitations on religious practices. For example, only a citizen may found a religious group. The law also stipulates that anyone carrying out religious work be registered with the Government's Commission on Religious Communities and Groups.

The Government requires that religious groups be registered. The 1997 Law on Religious Communities and Religious Groups contained a number of specific re-

quirements for the registration of religious groups that were struck down by the Constitutional Court in 1999. Subsequently there was considerable confusion over which procedures still applied, and several foreign religious groups experienced delays in their efforts to register. During the year, the Government acted to make the remaining requirements more transparent, but the process remained slow and cumbersome. At least one international Protestant church was granted legal registration, and several others are at some stage of the process. One Islamic group withdrew its 1998 application for registration but continues to operate openly without taking further steps toward legal registration, and the Government has not taken any enforcement actions against the group. The Government no longer keeps a count of registered religious groups and communities.

Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior and can only be convened by registered religious groups.

The refusal of the Serbian Orthodox Church to recognize the self-proclaimed Macedonian Orthodox Church has led to difficulties for ethnic Serbs who wish to worship in their own church. On several occasions in 1998 the Government refused Serbian Orthodox priests permission to enter the country because of the recognition issue. No Serbian Orthodox priests attempted to enter the country for religious purposes during the year. In December 1999 a delegation from the Macedonian Orthodox Church traveled to Istanbul to consult with Orthodox leaders on ways to end the impasse with the Serbian Orthodox Church.

On March 10, the Jewish community of Skopje inaugurated a new synagogue. The Government supported the opening of the synagogue; the mayor of Skopje and former President Gligorov attended the events.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government generally respects them in practice.

Citizenship in the old Yugoslav system was national, but all records and processing were at the level of the individual republics, so some residents at the time of independence had Yugoslav citizenship that became citizenship in other newly independent former republics. During the first year of independence, beginning with the adoption of the Constitution in November 1991, any Yugoslav citizen who had legal residence (of any duration) in the republic could acquire citizenship by simple application. The Law on Citizenship adopted in November 1992 established new procedures for conferring citizenship, and under its transitional provisions citizenship was granted essentially automatically to any legal resident who applied before November 1993. Despite this 2-year window of opportunity for residents to become citizens by simple application, several thousand residents did not regularize their status before November 1993. Some of these persons, and others who arrived in the country later, have complained that the provisions of the Law on Citizenship that followed the transition period are too restrictive and have prevented them from obtaining citizenship. For example, after the transition period the law required applicants for naturalization to have 15 years of residency. The law also affects many Roma who wish to become citizens, particularly with regard to difficulties they encountered in establishing residence and meeting requirements of a regular income. During 1999 the 15-year residence requirement was lowered to 10 years, in conformity with the Council of Europe Convention on Citizenship, but the enabling legislation needed to fully implement the change still was not completed. New procedures instituted in 1998 have made the citizenship application process considerably more transparent; the Macedonian Helsinki Committee has full access to all files, and the office within the Ministry of Interior that processes the cases works closely with the U.N. High Commissioner for Refugees (UNHCR) and with the Organization for Security and Cooperation in Europe (OSCE) mission in Skopje. A total of 2,124,599 citizens have established their status since independence; since the end of the early procedures for gaining citizenship, 140,495 individuals have applied through the Ministry of Interior, and about 96 percent of those applications have been approved. About 2,000 new applications for citizenship are received annually by the Ministry of Interior.

During the 1999 crisis, over 360,000 Kosovars found refuge in Macedonia. Following the conclusion of the crisis, the great majority of those refugees still in the country returned to Kosovo; the exception were the Roma, who feared returning because of dramatically deteriorated relations with the ethnic Albanian Kosovars. During the year, the overall number of refugees continued to decrease, and at year's end only 7,600 registered refugees remained. In addition officials estimate that about another 2,000 unregistered individuals remain. Of the registered refugees, approximately 60 percent are Roma. The largest number of registered Roma refugees (about 1,200) reside in the Suto Orizani collective center. Roma also reside in collec-

tive centers at Dare Bombol, Llubanci, Saraj, and Struga. Ethnic Albanian refugees all reside at the Radusa collective center. In all only about 2,100 of the total registered refugee population reside in centers; however, the remaining 5,500 live with host families or in rental accommodations. During the year there were several Roma protests about living conditions and food at the collective centers, although international donors and administrators judge conditions to meet generally accepted standards.

Continued tensions in the Presevo region of southern Serbia also generated potential for refugee flows during the year, but by year's end only a small number of Presevo residents had chosen to come to Macedonia; they did not enter as refugees, but rather as temporary visitors.

Macedonia provides first asylum, and there were no reports of persons being returned to a country where they feared persecution.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country's third parliamentary elections were held in October and November 1998 and resulted in an opposition victory and a peaceful change of government. The unicameral Parliament governs the country. The Prime Minister, as head of government, is selected by the party or coalition that produces a majority in the Parliament. The Prime Minister and the other Ministers may not be Members of Parliament. The Prime Minister is formally appointed by the President, who is head of state, Chairman of the Security Council, and commander in chief of the armed forces.

The Government was accused by opposition leaders and the media of harassing members of the opposition prior to the presidential elections held in October 1999. In the summer of 1999, police conducted a number of raids on businesses and charged some 20 enterprise directors with corruption and failure to pay taxes. Almost all of the enterprise directors singled out for this treatment belonged to an opposition party (see Section 1.d.).

On October 31, 1999, the first round of balloting in the presidential election was held. There were six candidates on the ballot, representing every major political party, including both ethnic Albanian parties. International observers reported that the conduct of the first round was satisfactory, and the candidates who received the most votes advanced to the second round. The ruling VMRO (Internal Macedonian Revolutionary Organization) candidate Trajkovski gained the majority of the votes cast in round two on November 14, but the opposition SDSM (Social Democratic Alliance of Macedonia) candidate claimed fraud and appealed the results. International observers agreed that irregularities occurred in some areas of the country in the second round, and the Supreme Court ruled that round two should be rerun in 230 polling precincts, all of which were predominantly ethnic Albanian. The voting held on December 5, 1999, was as flawed as the previous round, according to international monitors, who reported numerous incidents of ballot stuffing and other problems in some polling stations. Trajkovski again gained the majority of votes cast, and the SDSM filed a list of complaints of irregularities. Claiming that the Government was incapable of conducting a fair vote in the contested precincts, the SDSM later withdrew those complaints and did not press for another repeat of the voting. President Trajkovski was sworn into office on December 15, 1999.

Nationwide local elections held in September drew OSCE and other international criticism due to poor organization, sporadic violence, and voting irregularities. While the voting was calm and orderly in most of the country, serious incidents of violence caused the polls to be closed in several municipalities. Irregularities and intimidation in other areas further marred the process. The worst election day problems included some blatant cases of ballot stuffing, some smashing of ballot boxes, incidents of unauthorized persons being present at polling stations in an intimidating manner, and shooting incidents in Debar and Ohrid that left four persons wounded. In Debar a Democratic Party of Albania (DPA) activist shot a Party for Democratic Prosperity (PDP) activist on September 10, although investigators concluded that the incident was personally – rather than politically – motivated. In Ohrid two opposition members belonging to the SDSM were shot, one in the head, causing serious injury. Several arrests were made in these cases, and charges were brought against individuals who had been identified as participants in violent acts; however, in several cases the perpetrators remained unknown at year's end. These problems caused the elections to be rerun in several areas, and the Government did not act decisively to prevent some repetition of the same difficulties during the reruns. During the campaign period, six Members of Parliament (M.P.'s) from the ruling party defected

to an opposition party, and their homes were surrounded briefly by crowds of angry party loyalists; some property damage occurred before police moved to protect the homes. Following an incident in which an opposition supporter was beaten by police during the campaign, several police officers were suspended pending an investigation. In Skopje approximately 200 demonstrators threatened a Member of Parliament at his home; in response he fired several pistol shots into the crowd, lightly injuring two persons. The police, slow to respond to the initial disturbance, later charged the M.P. with illegal use of a firearm. A local NGO reported the alleged beating of a group of Roma in the town of Strumica on September 24, the day of the second round of the local elections. Non-Romani men allegedly beat Roma in the street with their fists and rubber truncheons. Many electoral difficulties were judged by international observers to have resulted from a weak and ambiguous Law on Local Elections, and they criticized the State Electoral Committee for not acting to anticipate or overcome those weaknesses.

Although no formal restrictions exist on the participation of women in politics and government, they are severely underrepresented in these areas. The Government has two female ministers. In the Parliament, 9 of 120 members are women, an increase from 4 women in the previous Parliament. In Muslim communities, especially among more traditional ethnic Albanians, some women are in effect disenfranchised due to the practice of family/proxy voting through which men vote on behalf of the women in their families (see Section 5).

A number of political parties represent the interests of minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma. Two ethnic Albanian parties and the Roma party have members in the Parliament; the ruling government coalition includes one of the two major ethnic Albanian parties, as well as the Romani party. The Parliament includes 25 ethnic Albanian members, 1 Macedonian Muslim, 1 Rom, and a small number of Vlachs. Minorities nonetheless maintain that political structures continue to be biased against them. Partly to address these concerns, the electoral law includes elements of proportional representation. A total of 35 of the 120 parliamentary members are chosen on the basis of proportionality, while the other 85 members are elected in single-member districts. Some ethnic Albanians and Roma complain that discrimination against them in citizenship decisions effectively disenfranchises them (see Section 2.d.).

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government generally is responsive to the concerns of human rights groups. Human rights groups and ethnic community representatives meet freely with foreign representatives without government interference. Several independent forums for human rights exist and operate freely, but their activities have not been prominent.

The Office of the Ombudsman, established in 1997, is active; however, most complaints filed with the office do not relate to human rights issues.

The Government allows independent missions by foreign observers. The Kosovo crisis led many international NGO's to establish new offices in the country, staffed by scores of international workers; many of these organizations have a strong interest in human rights issues. The Government generally has been cooperative in its dealings with these and other international organizations concerning such issues.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for equal rights for all citizens regardless of their sex, race, color of skin, national or social origin, political or religious beliefs, property, or social status. However, societal discrimination against ethnic minorities and the protection of women's rights remain problems.

*Women.*—Violence against women, especially in the family setting, is a persistent and common problem. Criminal procedures are available to victims of rape, including limited legal recourse in the case of marital rape. Cultural norms discourage the reporting of such violence, and criminal charges on grounds of domestic violence are very rare. Public concern about violence against women is not evident in the media, although some women's groups are working to raise awareness of the issue. Shelters for victims of spousal abuse are operated by NGO's. A hot line remains open but has limited hours. The Government offers some limited support for victims of domestic violence, but relies heavily on international donor support to maintain a hot line and shelter.

Trafficking in women and girls for prostitution and pornography is a growing problem (see Section 6.f.). Traffickers have recruited women and girls from other

countries, especially Bulgaria, Moldova, Romania, and Ukraine, to work as prostitutes in several towns (see Section 6.c. and 6.f.).

Sexual harassment of women in the workplace is a problem, but no statistics are available to indicate its scope. Maternity benefits include 9-months' paid leave, and benefits are received in practice. Women also retain the right to return to their jobs for 2 years after giving birth.

The Constitution provides that women possess the same legal rights as men. Macedonian society, in both the Muslim and Christian communities, is strongly patriarchal, and the advancement of women into nontraditional roles is limited. Women are underrepresented severely in the higher levels of the private sector, although some professional women are prominent. Women from some parts of the ethnic Albanian community do not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society. In Muslim communities, especially among more traditional ethnic Albanians, some women are in effect disenfranchised due to the practice of family/proxy voting through which men vote on behalf of the women in their families (see Section 3).

Women's advocacy groups include the Humanitarian Association for the Emancipation, Solidarity, and Equality of Women; the Union of Associations of Macedonian Women; and the League of Albanian Women.

*Children.*—The Government is committed to the rights and welfare of children; however, in some areas it is limited by resource constraints. Education is compulsory through the eighth grade, or to the age of 15 or 16. At both the primary and secondary levels, girls in some ethnic Albanian communities are underrepresented in schools. The Ministry of Education encourages ethnic minority students, especially girls, to enroll in secondary schools. Secondary education is free to all. Medical care for children is adequate but is hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

Trafficking in girls for prostitution and pornography is a growing problem (see Section 6.f.).

There is no societal pattern of abuse against children.

*People with Disabilities.*—Social programs to meet the needs of the disabled exist to the extent that government resources allow. Discrimination on the basis of disability is forbidden by law; however, in practice this mandate is not enforced. No laws or regulations mandate accessibility to buildings for disabled persons.

*National/Racial/Ethnic Minorities.*—The population of 2.2 million is composed of a variety of national and ethnic groups, mainly Macedonians, Albanians, Turks, Roma, Serbs, and Vlachs. All citizens are equal under the law. The Constitution provides for the protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school and the official use of ethnic minority languages in areas where ethnic minorities make up a majority of the population.

Ethnic tensions and prejudices are present in society. The Government is committed to a policy of peaceful integration of all ethnic groups into society but faces political resistance and continued popular prejudices regarding the means to achieve this goal (hiring quotas, affirmative action in school admissions, education in minority languages, etc.).

Representatives of the ethnic Albanian community, by far the largest minority group with 23 percent of the population according to government statistics, are the most vocal in charging discrimination. The underrepresentation of ethnic Albanians in the military and police is a major grievance in the community. Despite government efforts to recruit more ethnic Albanians, the police force remains overwhelmingly Slavic Macedonian, even in areas where the ethnic Albanian population is large. Members of ethnic minorities constitute 8.7 percent of the law enforcement officers of the Ministry of the Interior; in the primarily ethnic Albanian cities of Tetovo and Gostivar the respective figures are 17 percent and 12 percent. To raise the percentage of ethnic minority police officers, the Government for several years has set a recruiting quota of 22 percent for enrolling minority students at the police secondary school. Attrition has kept the graduating classes from retaining that percentage of ethnic minorities.

The military continues efforts to recruit and retain minority officers and cadets. The military is composed mostly of short-service conscripts, drawn from all ethnic groups. The proportion of ethnic Albanians in the ranks is estimated to be about 25 percent, but the proportion is significantly lower in the officer corps. Minorities constitute about 12 percent of the total of officers, noncommissioned officers, and professional soldiers; about 15 percent of the cadets at the military academy are from ethnic minorities. Ethnic minorities constitute about 11 percent of Ministry of Defense civilian employees. The Deputy Minister of Defense and 2 of a total of 10 general officers are ethnic Albanians.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities. Primary education is available in Macedonian, Albanian, Turkish, and Serbian. Albanian-language education is a crucial issue for the ethnic Albanian community; it is seen as vital for preserving Albanian heritage and culture. Almost all ethnic Albanian children receive 8 years of education in Albanian-language schools. The number of ethnic minority students who receive secondary education in their native languages is increasing and was about 15 percent in 1999, up from 14 percent in 1998. However, only about half of ethnic minority students go on to high school, partly because of the lack of available classes in minority languages at the secondary level and partly because the traditional nature of parts of Albanian society leads many families in rural areas to see no need to educate their children, particularly girls, beyond the eighth grade.

At the university level, ethnic minorities are underrepresented, but there has been much progress in increasing the number of ethnic minority applicants and students since independence in 1991. There are eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of entering places, although the quota has not always been filled. In 1991 302 ethnic minority students attended university; in 1998 1,073 attended, representing about 16 percent of all university students; no updated figures were available for the year. Most university education is conducted in the Macedonian language; there is Albanian-language university education only for students at Skopje University's teacher training faculty, for students studying to be teachers at Albanian-language primary and secondary schools. An obstacle to increasing university attendance of ethnic Albanians and Roma, especially for girls, is their low but slowly increasing enrollment in secondary education.

In July the Government adopted legislation to address longstanding demands by ethnic Albanians for university-level courses taught in the Albanian language with the passage of a new Law on Higher Education. The new law authorizes private institutions of higher learning and, under an OSCE sponsored plan, a new internationally funded institution is being created which would be designed to conduct classes in Albanian, English, and Macedonian, with initial funding coming from foreign donors. Plans have been made for construction to begin early in 2001. This legislation was designed to resolve the question of Tetovo University, a private Albanian-language institution that the authorities declined to accredit but tacitly allowed to function. The new, internationally funded institution would allow ethnic Albanians to study in their own language; however, courses in Macedonian must also be provided in at least two subjects. The law received the support of the Albanian party in the ruling government coalition; however, many ethnic Albanians, who favor recognition and funding of Tetovo University, did not support the new institution.

The new Government met one major demand of the ethnic Albanian community in 1999 by agreeing to change the 15-year residence requirement for naturalization to 10 years (see Section 2.d.); however, enabling legislation still is pending to complete that change. The new Government has continued previous governments' rejection of demands for legalizing use of the Albanian language in dealings with the central Government and in the Parliament and for allowing official use of the Albanian flag.

Ethnic Turks, who make up about 4 percent of the population, also complain of governmental, societal, and cultural discrimination. Their main complaints center on Turkish-language education and media. One continuing dispute has been over the desire of parents who consider themselves Turkish to educate their children in Turkish despite the fact that they do not speak Turkish at home. The Education Ministry refuses to provide Turkish-language education for them, noting that the Constitution provides for education in the native languages of minorities, not in foreign languages. Some parents have hired teachers of their own, although this kind of private education is not authorized legally.

Ethnic Serbs, who constitute about 2 percent of the population, also complain about discrimination and their inability to worship freely in the Serbian Orthodox Church (see Section 2.c.).

There were credible reports of occasional police violence and harassment against Roma during the year. Roma rights organizations also complain of police harassment of Roma and accuse the police of reinforcing patterns of societal discrimination by consistently siding with ethnic Macedonian citizens in any disputes involving Roma (see Section 1.c.).

In June five Romani houses in Stip burned under suspicious circumstances; police suspected arson.

Relations between Roma and other citizens were strained during 1999 as a result of dislocations of Roma caused by the Kosovo crisis. According to the 1994 census,

there were 43,700 Roma in the country (2.0 percent of the population). Romani leaders claim that the 1994 census seriously undercounted the actual number of Roma. There were incidents of societal violence against Roma (see Section 1.c.). In 1999 approximately 6,000 Roma fled Kosovo and took up residence in the country. They left not only because of the direct dangers of the conflict, but also because of the hostility of ethnic Albanian Kosovars, who widely consider the Roma to have supported the Serbs and to have committed theft and other crimes against ethnic Albanians during the crisis. The new Roma arrivals initially were sheltered in a refugee camp (about 2,000 persons) and under host family arrangements (about 4,000 persons) that were underwritten by the international relief community. During the year, all of the registered Romani refugees were staying with host families or in collective centers. The presence of these Romani refugees is not popular among ethnic Albanians, who largely share the view of the ethnic Albanian Kosovars concerning both Roma and Serbs. Ethnic Macedonians also express irritation at the new arrivals, many of whom settled in Skopje, and some of whom frequent busy traffic intersections to beg, wash car windows, or sell small items. The Macedonian Roma already tended to occupy the lowest economic position of society, and the new arrivals added to the ranks of the very poor. Optional Romani-language education has been offered at several primary schools since 1996, but there has been limited demand and no pressure for a more extensive curriculum. According to Romani community leaders, up to 10 percent of Romani children never enroll in school, and of those who do, 50 percent drop out by the fifth grade, and only 35 to 40 percent finish the eighth grade. There is some Romani-language broadcasting.

There are also a number of ethnic Macedonian Muslims and Bosnian Muslims in the country. Some ethnic Macedonian Muslims contend that they are identified too closely with ethnic Albanians, most of whom are also Muslim, and with whose policies the ethnic Macedonian Muslims often disagree.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right to form trade unions, but this right is restricted for members of the military, police, and civil service. Independent trade unions have been allowed to organize since 1992, when an Association of Independent and Autonomous Unions was formed. However, there is still a national trade union. The Confederation of Trade Unions of Macedonia is the successor organization to the old Communist labor confederation. It maintains the assets of the old unions and is the Government's main negotiating partner on labor issues, along with the Chamber of the Economy. While its officers may tend to oppose strikes because of the legacy of the past, they appear to be genuinely independent of the Government and committed to the interests of the workers they represent.

The total number of strikes during the year was 100 to 150, which included many protest work stoppages of a few hours or less. The reasons for the strikes included demands for overdue pay, workers' objections to government changes in management personnel at some state-owned entities, and objection to various decisions related to privatization. Strikes were generally small and confined to company grounds, although in September 1999 striking workers at a government-owned smelting plant blocked a major highway for several hours, protesting government plans to close the plant if a private purchaser or partner could not be found. Most strikes were calm and well organized and took place without serious incident.

*b. The Right to Organize and Bargain Collectively.*—The Constitution implicitly recognizes employees' right to bargain collectively, a concept that nonetheless is still in its infancy. Collective bargaining takes place, but in the country's weak economic environment employees have very little practical leverage. Legislation in this area has yet to be passed by Parliament.

An export processing zone is being developed with the advice and financial support of the Taiwanese Government and various Taiwanese businesses. No date has been set for the beginning of operations.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and bonded labor, including that performed by children; however, trafficking of women and girls for prostitution and pornography is a growing problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The constitutional minimum age for employment is 15 years. Children legally may not work nights or more than 40 hours per week. Education is compulsory through grade eight, or to the ages of 14 or 15. The Ministry of Labor and Social Welfare is responsible for enforcing laws regulating the employment of children. These laws are generally enforced; however, the authorities are reluctant to attempt to enforce these laws on Roma. The law prohibits forced or bonded labor by children; however, trafficking in girls for prostitution and pornography is a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The average monthly wage was about \$158. The minimum wage is by law two-thirds of the average wage; however, it was not sufficient to provide a decent standard of living for a worker and family. The average month's worth of food for a family of four exceeded average incomes by about 20 percent. This economic situation meant that few workers could support a family on their wages alone. Many households are dual-income, and many persons take on additional work, often in the gray market.

Yugoslavia had extensive laws concerning acceptable conditions of work, including an official 42-hour workweek with a minimum 24-hour rest period and generous vacation and sick leave benefits. The Government adopted many of these provisions, including the workweek and rest period. However, high unemployment and the fragile condition of the economy led many employees to accept work conditions that do not comply with the law. Small retail businesses in particular often require employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although laws and regulations on worker safety remain from the Yugoslav era, they are not enforced strictly. The Ministry of Labor and Social Welfare is responsible for enforcing regulations pertaining to working conditions.

Under the law, if workers have safety concerns, employers are obliged to address dangerous situations. Should an employer fail to do so, employees are entitled legally to leave the dangerous situation without losing their jobs; however, this does not happen often, if ever, in practice.

*f. Trafficking in Persons.*—The law specifically prohibits trafficking for the purpose of prostitution; however, trafficking in women and girls for prostitution and pornography is a growing problem. Trafficking in persons for the purpose of illegal immigration is not prohibited specifically by law but is covered by immigration regulations. The country is a source, transit, and destination point for trafficking in persons. Traffickers have recruited women from other countries, especially Bulgaria, Moldova, Romania, Russia, and Ukraine, to work as prostitutes in several towns. Women are trafficked through the country on their way to West European countries, especially Italy. There are no reliable estimates of the number of victims of trafficking in the country.

Trafficking in women is not treated as a priority on either the governmental or nongovernmental level. Trafficking is handled by the Interior Ministry Department on Organized Crime. The Government cooperated with the International Organization for Migration (IOM) to provide shelter and assistance to trafficked women on an ad hoc basis in several cases, and late in the year a small center was opened to establish such services on a more regular basis.

Police expelled 108 prostitutes from Serbia, Ukraine, Belarus, and Russia in December. Deputy Interior Minister Rifat Elmazi said the police intend "to deport all prostitutes from other countries." The Government cooperated with the IOM to arrange passage of these and other trafficking victims to their home countries. Very few traffickers have been caught, and the owners of the establishments where the women worked have either fled or managed otherwise to avoid prosecution.

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## MALTA

Malta is a constitutional republic and parliamentary democracy. The chief of state (President) appoints as the head of government (Prime Minister) the leader of the party that gains a plurality of seats in the quinquennial elections for the unicameral legislature. The judiciary is independent.

The appointed commissioner who commands the police is under the effective supervision of the Government and may be either a civilian or career member of the force.

The economy is a mixture of state-owned and private industry, with tourism and light manufacturing as the largest sectors, and it provides residents with a moderate to high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. An independent judiciary upholds the Constitution's protections for individual rights and freedoms. Violence against women is a problem, and societal discrimination against women persists, but the Government has taken steps to address both issues.



## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that officials employed them. Prison conditions meet minimal international standards, and the Government permits visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution and the law prohibit arbitrary arrest, detention, or exile, and the Government observes these prohibitions. The police may arrest a person for questioning on the basis of reasonable suspicion but within 48 hours must either release the suspect or lodge charges. Arrested persons have no right to legal counsel during this 48-hour period. Persons incarcerated pending trial are granted access to counsel. Bail normally is granted. In June the European Court of Human Rights ruled that the Government had violated articles 5/3 and 5/4 of the European Convention on Human Rights by holding a Tunisian citizen in custody for 2 years prior to trial, thereby denying the accused prompt due process.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The Chief Justice and 16 judges are appointed by the President on the advice of the Prime Minister; judges serve until the age of 65, and magistrates serve until the age of 60. The highest court, the Constitutional Court, interprets the Constitution and has original jurisdiction in cases involving human rights violations and allegations relating to electoral corruption charges. The two courts of appeal hear appeals from the civil court, court of magistrates, special tribunals, and from the criminal court, respectively. The criminal court, composed of a judge and nine jurors, hears criminal cases. The civil court first hall hears civil and commercial cases that exceed the magistrates' jurisdiction; the civil court's second hall offers voluntary jurisdiction in civil matters. The court of magistrates has jurisdiction for civil claims of less than \$2,207 (1,000 Maltese liri) and for lesser criminal offenses. The juvenile court hears cases involving persons under 16 years of age.

The Constitution requires a fair public trial before an impartial court. Defendants have the right to counsel of their choice or, if they cannot pay the cost, to court-appointed counsel at public expense. Defendants enjoy a presumption of innocence. They may confront witnesses, present evidence, and have the right of appeal.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanctions. Police officers with the rank of inspector and above may issue search warrants based on perceived reasonable grounds for suspicion of wrongdoing. Reportedly only the Home Affairs Minister and the Prime Minister may issue warrants for telephone tapping, and then only in drug-related cases and matters relating to national security.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. However, the 1987 Foreign Interference Act bans foreign participation in local politics during the period leading up to elections. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

Diverse views are expressed in four daily newspapers, seven weeklies, and five Sunday editions. A total of 6 television stations, a commercial cable network, and 19 radio stations function freely.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. The state-supported religion is Roman Catholicism. The Government and the Catholic Church participate in a foundation that finances Catholic schools. The church transferred nonpastoral land to this foundation as part of the 1991 Ecclesiastical Entities Act. Parts of the proceeds accruing from the dispersal of the land are transferred to the foundation to support free education of church school students. Students in government schools may decline instruction in Catholicism.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government does not arbitrarily restrict movement within the country, foreign travel, or emigration. A court order may prohibit the departure from the country of anyone who is the subject of a formal complaint alleging non-fulfillment of a legal obligation, such as the nonpayment of a debt or nonsupport of an estranged spouse.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). The passage of a new refugee law in February expanded due process and the protection available to refugee applicants and formalizes what had been a system of de facto refugee status. However, enabling legislation and regulations had not been implemented by year's end. Under the law, the position of commissioner for refugees, as well as an appeals board will be established. In addition to the current humanitarian temporary protected status, the law provides for refugee status, access to free social services and education, residence permits, and travel documents. Work permits for refugees are issued on a case-by-case basis.

The UNHCR considers approximately 165 immigrants to be refugees and another 215 to be applicants. The authorities expel or repatriate those determined to be ineligible for refugee status. However, the Government did not force the return of any persons to a country where they feared persecution.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women are underrepresented in government and politics. In the September 1998 elections, six women were elected to Parliament, three in each party, and one received a ministerial post. The Government has taken steps to include more women in civil service and other government positions.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or sex. The Government respects this prohibition. Alleged victims of job discrimination may apply directly for relief to the Employment Commission of the first hall of the Civil Court in the appropriate jurisdiction.

*Women.*—Domestic violence against women is a problem. During the first 6 months of the year, 235 cases of domestic violence were reported to the Police Domestic Violence Unit. A special police unit and several voluntary organizations provide support to victims of domestic violence. For women who are threatened or physically abused, the Government also maintains an emergency fund and subsidizes shelters. During the year, 53 women used the shelters.

The Government set up a hot line in 1996 to assist victims of abuse through counseling and through referrals to legal assistance and shelters.

A committee was set up during 1998 to review existing family legislation and propose amendments dealing with domestic violence. Its findings were under consideration by the Government.

Prostitution is a serious offense under the law, and stiff penalties are reserved for organizers. Rape and violent indecent assault carry sentences of up to 10 years imprisonment. The law treats spousal rape the same as other rape. Divorce and abortion are not legal.

The Constitution provides that all citizens have access, on a nondiscriminatory basis, to housing, employment, and education. While women constitute a growing portion of the work force, they are underrepresented in management. Cultural and traditional employment patterns often direct them either into traditional "women's jobs" (such as sales clerk, secretary, bank teller, teacher, or nurse) or into better paying jobs in family-owned businesses or select professions (e.g., academia or medicine). Therefore women generally earn less than their male counterparts.

Women's issues are handled by the Department of Women's Rights under the Minister of Social Policy. The Minister is a prominent member of the Government who is also Deputy Prime Minister and the Nationalist Party's deputy leader. Legislation enacted in 1993 granted women equality in matters of family law, and a 1991 constitutional amendment committed the Government to promote equal rights for

all persons regardless of sex. The Government has taken steps to ensure that legislation is gender neutral to the degree possible. Redress in the courts for sexual discrimination is available. The Government's policy on gender abandoned the concept of introducing gender-based quotas in the civil service. The Government is sponsoring a report to study the prevalence of sexual harassment.

*Children.*—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and health care. It provides compulsory, free, and universal education and free health care for children through age 16. The Government voices concern for children's rights and welfare but addresses those concerns within family law. In September the Government signed the Protocol to the UN Convention on the Rights of the Child and the Nairobi Protocol.

There is no societal pattern of abuse of children. The number of reported cases of child abuse has grown as public awareness has increased. For the first 6 months of the year, 434 cases of child abuse were reported. The introduction of a "helpline" telephone number to report suspected cases of child abuse has been effective.

*People with Disabilities.*—The law provides for rights for the disabled. The Persons with Disabilities Act built on provisions in the 1969 (public employment) and 1992 (accessibility) laws. The new law requires the private sector to apply equal employment guarantees already in place in the public sector. During the year for the first time, private development project plans must include access for the disabled. Government and private sector efforts to advance the status of the disabled are improving.

*National/Racial/Ethnic Minorities.*—Approximately 2,000 men of North African origin are married to Maltese women. This community has a mosque and a separate school.

Owners of some bars and discos reportedly discourage or prohibit darker-skinned persons from entering. In a February report, the leisure industry acknowledged that such incidents do occur and recommended corrective steps to both the Government and industry. In September the Government announced that it plans include criminalization of "racial hatred" in proposed amendments to the Criminal Code.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers have the right to associate freely and to strike, and the Government respects these rights in practice. Only noncivilian personnel of the armed forces and police are prohibited from striking. There are 36 registered trade unions, representing about 50 percent of the work force. Although all unions are independent of political parties, the largest, the General Workers' Union, generally is regarded as having close informal ties with the Labor Party.

Under the Industrial Relations Act of 1976, the responsible minister may refer labor disputes either to the Industrial Tribunal (a government-appointed body consisting of representatives of government, employers, and employee groups) or to binding arbitration. The International Labor Organization Committee of Experts objects to a provision of the act that permits compulsory arbitration to be held at the request of only one of the parties, but neither unions nor employers appear to object to this provision. In practice a striking union can ignore an unfavorable decision of the Tribunal by continuing the strike on other grounds. During the first 6 months of the year, one strike was referred to the Industrial Tribunal.

There is no prohibition on unions affiliating internationally.

*b. The Right to Organize and Bargain Collectively.*—Workers are free, in law and practice, to organize and bargain collectively. Unions and employers meet annually with government representatives to work out a comprehensive agreement regulating industrial relations and income policy.

Under the Industrial Relations Act, an employer may not take action against any employee for participation or membership in a trade union. Complaints may be pursued through a court of law, through the Industrial Tribunal, or through the Tribunal for the Investigation of Injustices (presided over by a judge of the Superior Court); however, most disputes are resolved directly between the parties. Workers fired solely for union activities must be reinstated.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, and it is not known to occur.

The Government prohibits forced and bonded labor by children and enforces this prohibition effectively.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits the employment of children younger than age 16. This injunction generally is respected, but some underage children were employed during summer months, especially as domestics, restaurant kitchen help, or vendors. The Department of Labor

enforces the law effectively, but it is lenient in cases of summer employment of underage youths in businesses run by their families. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The weekly legal minimum wage is \$96 (44 Maltese liri) for persons under age 17; \$99 (45 Maltese liri) for 17-year-olds; and \$105 (48 Maltese liri) for persons age 18 and over. Additionally a mandatory bonus of \$10 (4 Maltese liri) per week is paid. This minimum wage structure provides a decent standard of living for a worker and family with the addition of government subsidies for housing, health care, and free education. Wage Councils, composed of representatives of government, business, and unions, regulate work hours; for most sectors the standard is 40 hours per week, but in some trades it is 43 or 45 hours per week.

Government regulations prescribe a daily rest period, which is normally 1 hour. The law mandates an annual paid vacation of 4 workweeks plus 4 workdays. The Department of Labor effectively enforces these requirements.

Enforcement of the 1994 Occupational Health and Safety (Promotion) Act is uneven, and industrial accidents remain frequent. Workers may remove themselves from unsafe working conditions without jeopardy to their continued employment.

*f. Trafficking in Persons.*—No law specifically prohibits trafficking in persons, although traffickers may be prosecuted under the Immigration Act for unlawful entry or unregulated status.

There were no reports that persons were trafficked to, from, through, or within the country.

## MOLDOVA

Moldova gained its independence from the Soviet Union in 1991 and in 1994 adopted a constitution that provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. International observers considered the 1996 presidential and 1998 parliamentary elections to be free and fair, but authorities in the separatist Transnistrian region interfered with citizens' ability to vote. President Petru Lucinschi's 4-year term ends in January 2001. The Parliament, which was dismissed at the end of the year, was composed of: The Communist Party with 40 seats, centrist parties with 39 seats, a rightwing party with 9 seats, and 13 independents. The Parliament amended the 1994 Constitution on July 21 by voting to transform the country into a parliamentary republic, significantly reducing the President's powers and changing the presidential election from a popular to a parliamentary vote. The amendment also eliminated the President's ability to introduce legislation for Parliament's consideration. The Constitution provides for an independent judiciary; while the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence continued to increase.

The country remains divided, with mostly Slavic separatists controlling the Transnistrian region along the Ukrainian border. This separatist regime has entered into negotiations with the national Government on the possibility of a special status for the region. Progress in resolving the ongoing conflict has been blocked by the separatists' continuing demands for statehood and recognition of the country as a confederation of two equal states. The Organization for Security and Cooperation in Europe (OSCE), the Russian Federation, and Ukraine act as mediators. The two sides generally have observed the cease-fire of 1992, which ended armed conflict between them, but other agreements to normalize relations often have not been honored. In the second half of the year, Russian State Commission chairman Yevgeniy Primakov launched a new initiative for a resolution of the Transnistrian issue. A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country. The Gagauz elected a new governor (Bashkan) and 35 deputies to their Popular Assembly in free and fair elections in September 1999. The stability of the agreement on autonomy was put in doubt as differences developed between the Gagauz and central authorities over the distribution of tax revenues, budget allocations, and property ownership.

The Ministry of Internal Affairs has responsibility for the police. The Ministry of National Security renamed by Parliament the Information and Security Service (ISS) was placed under Parliament's control. The Border Guards are no longer under ISS control, but are a separate agency. The ISS has the right to investigate, but not to arrest. The Constitution assigns to Parliament the authority to investigate the activities of the Ministry of Internal Affairs and the ISS, and ensures that they comply with existing legislation. Some members of the security forces com-

mitted a number of human rights abuses. General Aleksei, the head of the Anti-Organized Crime and Corruption Department under the Ministry of Internal Affairs, was suspended from his position and is under investigation for misuse of funds. The General Prosecutor's office is conducting the investigation, which was still ongoing at year's end.

The country continued to make progress in economic reform. International observers viewed the Government of Prime Minister Braghis as strongly proreform. The economy is largely based on agriculture. Citizens and foreigners can buy and sell land at market prices. However, foreigners cannot buy agricultural land, nor can agricultural land be resold for a period of 5 years. Over 900 of approximately 1,000 large collective farms have applied for the Government's land privatization program. By year's end, approximately 634,000 landowners have received title to almost 1.7 million plots of land. The leading exports are foodstuffs, wine, tobacco, clothing, and footwear. The gross domestic product (GDP) is estimated officially at about \$312 (3900 lei) per capita but may be considerably underestimated because of activity in the large shadow economy and underreporting for tax purposes. According to some estimates, the shadow economy accounts for about two-thirds of the national economy. The officially reported median salary is \$33 per month (410 Moldovan lei). According to government statistics about 80 percent of the population lives below the poverty level and 20 percent of the population is classified as extremely poor. Some 65.4 percent of the poorest people live in rural areas. According to the results of the Government's household budget survey for the first quarter of the year, the monthly disposable income per person was about \$15.50 (193 Moldovan lei) and 92 percent of the population lives on less than \$1 per day. A majority of citizens cannot afford to buy fish, meat, milk and other dairy products on a regular basis. Malnutrition is recognizable in the rates of anemia for children, and the percentage of young men not physically fit for military service. The infant mortality rate is increasing, life expectancy is decreasing, and deaths in childbirth are increasing. The GDP increased by 1.9 percent during the year. GDP per capita was \$353 (439 Moldovan lei). A program privatizing state-owned enterprises and real estate based on vouchers issued to all citizens is complete. The exchange rate remained stable for most of the year, with local currency depreciation in the beginning of the year and its slow appreciation in mid-year. Inflation for the year was 18.4 percent. The country has considerable foreign debt. The economic situation is worse in Transnistria.

The Government generally respects the human rights of its citizens; however, there were problems in some areas. The police occasionally beat and otherwise abused detainees and prisoners. Prison conditions remained harsh, with attempts to improve them are hampered by lack of funding. While the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence continued to increase. It is widely believed that security forces monitor political figures, use unauthorized wiretaps, and at times conduct illegal searches. The Constitution potentially limits the activities of the press, political parties, and religious groups. In the past, journalists have practiced self-censorship, due to fear of protracted legal battles. A recent Supreme Court decision tightened the requirements for bringing such suits. The law also imposes restrictions on some religious groups. Societal discrimination and violence against women persisted. The Constitution allows parents the right to choose the language of education for their children. Trafficking in women and girls was a very serious problem.

The Transnistrian authorities continued to be responsible for abuses, including questionable detentions, harassment of independent media, restrictions on freedom of religion, and discrimination against Moldovan/Romanian speakers.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings in the country or its separatist region.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids torture and other cruel, inhuman, or degrading treatment or punishment; however, there were credible reports that police sometimes beat and abused prisoners or suspects.

From April 17 to 19, violent clashes took place in Chisinau between police and students protesting the municipal decision to cancel their free public transport privileges (see Section 2.b.). Press reports alleged that Ministry of Interior police used excessive force against the students. An unspecified number of students suffered injuries and approximately 400 were detained; however, no official charges were filed

and the students were subsequently released. The Chisinau municipal Prosecutor's Office was investigating the incident at year's end. Subsequent protests over wage arrears were peaceful (see Section 1.d.).

A businessman alleged that the police kidnaped his brother for 3 days in July 1999. The police reportedly tortured him, then released him after charging him with drunkenness and resisting arrest. The businessman also charged that this was a case of racketeering and involved persons from the prosecutor's office as well as the police. The Prosecutor's Office announced in December 1999 that physical assault charges were pending against three police officers, but the case was dismissed on April 17 for lack of evidence. There was no investigation into the racketeering charges.

Conditions in most prisons remain harsh, with serious overcrowding. Cell sizes do not meet local legal requirements or minimum international standards. Conditions are especially harsh in prisons used to hold persons awaiting trial or sentencing. These prisons suffer from overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. Conditions for those serving sentences are better only marginally. According to the 1999 Human Development Report of the United Nations Development Program (UNDP), 2.3 percent of the total number of inmates are children. There are separate facilities for children and teenaged prisoners; most are in detention camps. The incidence of malnutrition and disease, especially tuberculosis, is high in all facilities. The medical section of the Department of Penitentiaries released figures of 1,871 inmates with tuberculosis and 124 with HIV/AIDS. Abuse of prisoners by other prisoners or by jailers themselves, ostensibly for disciplinary reasons, has been reduced by the dismissal or retirement of some of the worst offending guards; however, the practice likely continued at diminished levels. The Ministry of Justice administers the prison system. Attempts to improve prison conditions are frustrated by a lack of financing.

Human rights monitors are permitted to visit prisons. Local and international human rights monitors were allowed to visit prisons in Moldova, and Council of Europe (COE) monitors were allowed to visit some prisoners in Transnistria; however, COE monitors were not allowed to inspect prisons in Transnistria.

After questionable trials in 1993, four ethnic Moldovans continued to serve sentences in Transnistria for alleged terrorism-related crimes (see Section 1.e.). At the end of July 1999, one of the four, Ilie Ilascu, wrote a letter to the press claiming to be on his 77th day of a hunger strike and alleging a number of abuses by the Transnistrian authorities. A member of the OSCE mission visited him in July 1999 and observed that he did not appear to be in imminent danger. At the end of 1999, he still was claiming to be on a hunger strike. In December 1999, the wives of all four complained that they were not able to visit, although they were allowed to send food. In March a Commonwealth of Independent States (CIS) official visited Ilascu, but OSCE members were not allowed to accompany him. None of the visitors made any observation of imminent danger to the state of health of the prisoner. In May Moldovan Parliamentary President Diacov visited Ilascu. This was the first time a senior government official met with him. The visit was filmed and televised by local television stations (see Section 1.e.). The International Committee of the Red Cross (ICRC) visited these prisoners in 1992 and again in 1993 in Tiraspol, but later were denied visitation. The ICRC continued negotiating with Transnistrian officials at year's end to visit the prisoners with an international medical team. In June the Government of Moldova officially requested a retrial of the Ilascu group in a third country OSCE member state. In August Ilascu himself conveyed to a visiting Council of Europe official that he wanted a retrial. Some OSCE member states are considering the Government's request; however, at year's end, no state had yet confirmed its willingness to do so.

*d. Arbitrary Arrest, Detention, or Exile.*—The former Soviet Code on Penal Procedure remains in force with some amendments, and authorities respect its provisions. New penal and civil codes and the Code on Punishment for Minor Offenses were undergoing hearings in Parliament. The July session of Parliament decided that the Prosecutor General's office would no longer supervise the implementation of laws. Its function was restricted to criminal prosecution, presentation of formal charges before a court, and overall protection of the rule of law and civil freedoms. The Prosecutor General's office is under the judiciary branch. A law was passed during the year to make the Prosecutor General's office an independent body within the Supreme Council of Magistrates. Judges issue arrest warrants based on cases being presented by prosecutors. Under the Constitution, a suspect may be detained without charge for 24 hours. The suspect normally is allowed family visits during this period. The 24-hour time limit is not always respected, especially if a person is arrested late on a Friday or on a weekend. If charged a suspect may be released on personal recognizance or pending trial. There is no system of bail, but in some cases,

in order to arrange release, a friend or relative may give a written pledge that the accused will appear for trial. Suspects accused of violent or serious crimes generally are not released before trial.

The Constitution permits pretrial arrest for an initial period of 30 days, which may be extended up to 6 months. Detentions of several months are fairly frequent. In exceptional cases, Parliament may approve extension of pretrial detention on an individual basis of up to 12 months. The accused has the right, under the Constitution, to a hearing before a court regarding the legality of his arrest. According to figures provided by the Ministry of Justice, 3,477 persons of a total prison population of 9,449, were held in confinement awaiting trial at year's end (these statistics do not include persons held in Transnistria).

According to the Constitution, a detained person must be informed immediately of the reason for his arrest and must be made aware of the charges as quickly as possible. The accused has the right to a defense attorney throughout the entire process, and the attorney must be present when the charges are brought. Many lawyers point out that access to a lawyer generally is granted only after a person has been detained for 24 hours. If the defendant cannot afford an attorney, the State requires the local bar association to provide one. Because the State is unable to pay ongoing legal fees, defendants often do not have adequate legal representation.

From April 17 to 19, violent clashes took place in Chisinau between police and students protesting the municipal decision to cancel their free public transport privileges (see Section 2.b.). Press reports alleged that Ministry of Interior police used excessive force against the students. An unspecified number of students suffered injuries and approximately 400 were detained; however, no official charges were filed and the students were subsequently released. The Chisinau municipal Prosecutor's Office was investigating the incident at year's end (see Section 1.c.).

The Transnistrian authorities have imposed a state of emergency that allows law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. Such arbitrary detention procedures usually have been applied to persons suspected of being critical of the regime and sometimes last up to several months. According to a credible report by Amnesty International (AI), many pretrial detentions in Transnistria fit this description; however, there were no reports that Transnistrian authorities used this provision during the year.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the executive branch has exerted undue influence on the judiciary. Many observers believe that arrears in salary payments also make it difficult for judges to remain independent from outside influences and free from corruption. There were continuing indications during the year that judicial independence was increasing.

Since 1997 prosecutors have the right to open and close investigations without bringing the matter before a court, which gives them considerable influence over the judicial process. The Constitution provides that the President, acting on the nomination of the Superior Court of Magistrates, appoints judges for an initial period of 5 years. This provision for judicial tenure is designed to increase judicial independence. Beginning during the year, judges being considered for reappointment were required to take a specialized training course at the Judicial Training Center. At the end of this training, they are tested. The test is evaluated by the Superior Council of Judges and the results are considered when making reappointment decisions. This process was designed to increase the professionalism of the judges.

The judiciary consists of lower courts of the first instance, five appellate courts (tribunals), a Higher Court of Appeals, a Supreme Court, and a Constitutional Court. The Supreme Court supervises and reviews the activities of the lower courts and serves as a final court of appeal.

By law defendants in criminal cases are presumed innocent. In practice prosecutors' recommendations still carry considerable weight and limit the defendant's actual presumption of innocence. Trials generally are open to the public. Defendants have the right to attend proceedings, confront witnesses, and present evidence. Defense attorneys are able to review the evidence against their clients when preparing cases. The accused enjoys a right to appeal to a higher court. Because of a lack of funding for adequate facilities and personnel, there is a large backlog of cases at the tribunal and Higher Appeals Court levels. Court decisions involving the restitution of salary or a position are not always implemented.

To date no pattern of discrimination has emerged in the judicial system. The Constitution provides for the right of the accused to have an interpreter both at the trial and in reviewing the documents of the case. If the majority of the participants agree, trials may take place in Russian or another acceptable language instead of Moldovan/Romanian.

There continued to be credible reports that local prosecutors and judges extort bribes for reducing charges or sentences. In January 1999, a judge in the Chisinau economic court was arrested for allegedly accepting a bribe to reduce a fine against a firm. He was convicted and sentenced to 10 years in prison.

Prosecutors occasionally use bureaucratic maneuvers to restrict lawyers' access to clients.

The Constitutional Court showed signs of increasing independence during the year. The Court reviewed 90 cases during the year, a 40 percent decrease from 1999. The Court declared unconstitutional 16 laws, 1 parliamentary decision, and 4 government acts. In the period since Parliament passed the July 5 amendment to the constitution, the court has been called upon to issue a number of rulings on the interpretation of the amendment and subsequent implementing legislation. Despite the political rivalry between the President and the Parliament, the court's decisions have generally been regarded as fair and objective. On October 10, the Court ruled recent legislation requiring political parties be registered for 2 years before participating in elections to be unconstitutional.

There were no reports of political prisoners outside Transnistria.

In Transnistria four ethnic Moldovans, members of the "Ilascu Group," (one of whom, Ilie Ilascu, is an elected member of the Romanian Parliament but has never been able to take his seat) remained in prison following their conviction in 1993 for allegedly killing two separatist officials (see Section 1.c.). International human rights groups raised serious questions about the fairness of the trial; local organizations alleged that the Moldovans were prosecuted solely because of their membership in the Christian Democratic Popular Party (PPCD), a Moldovan political party that favors unification with Romania. Family members have been allowed access. In April 1999, the Ilascu Group filed a case with the European Court of Human Rights (ECHR) against the Government of Moldova and the Russian Federation. In June 1999, the ECHR registered the case and began examining it. The ECHR notified both Governments during the year that it would hear the case and ordered them to file their responses by September 25. Both governments submitted their documents on October 25, which were sent by the ECHR to the Ilascu Group's lawyers. Lawyers for the Ilascu Group are scheduled to present their case before the ECHR in January 2001. The President of the Parliament of Moldova, Dumitru Diacov, visited Ilascu on May 16. This was the first time a senior government official met with Ilascu. The visit was filmed and then broadcast by local television stations. International organizations continued to pressure the Transnistrian authorities to retry the Ilascu Group in another OSCE-member state; however, by year's end no country had expressed willingness to retry them. In July 1999, the Transnistrians issued a moratorium on capital punishment, which in effect suspended implementation of Ilascu's death sentence.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Prosecutors issue search warrants; however, in some instances searches are conducted without warrants. Courts do not exclude evidence that was obtained illegally. There is no judicial review of search warrants. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. It also forbids searches at night, except in the case of flagrant crime.

It is widely believed that security agencies continue to use electronic monitoring of residences and telephones without proper authorization. By law the prosecutor's office must authorize wiretaps and may do so only if a criminal investigation is under way. In practice the prosecutor's office lacks the ability to control the security organizations and police and prevent them from using wiretaps illegally.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and the law provide for freedom of speech and of the press, although with some restrictions. The Government does not limit freedom of speech, and the print media express a wide variety of political views and commentary. National and city governments subsidize a number of newspapers, but political parties and professional organizations, including trade unions, also publish newspapers. Most newspapers have a circulation of less than 5,000.

Although the number of media outlets that are not owned and operated publicly by the State or a political party is growing, most of these independent media still are in the service of a political movement, commercial interest, or foreign country, and secure large subsidies from these sources. There are several independent radio stations, including one religious station, with some stations rebroadcasting programs from Romania and Russia. There are three independent television stations in the Chisinau area and one in the city of Balti. The Government owns and oper-



ates several radio stations and a television station that covers most of the country. A number of local governments, including Gagauzia, operate television and radio stations. The Association of Electronic Press was founded in September 1999. The Association of Independent Press was founded in July 1997.

The 1995 Moldovan Audiovisual (AV) law requires a minimum of 65 percent of broadcasting be in the state (Moldovan/Romanian) language. The law did not specify if the 65 percent rule applied to all broadcast content or only that locally produced. In August the Audio-Visual Council (AVC) suspended the licenses of two radio stations and two television channels for their failure to respect the 65 percent requirement. On September 20, the Court of Appeals affirmed the revocation of the licenses and ordered the AVC to enforce the revocation. A court case brought by the Club of Romanian and Western University Graduates, against a number of other stations for failure to respect the 65 percent rule, was decided in favor of the plaintiffs. This decision forced the AVC to suspend the licenses of several other radio and television stations. This decision caused much controversy within the country and abroad. The Transnistrian authorities immediately proclaimed it further proof of their need to be independent of Chisinau. The Communist faction in Parliament demanded that the court decisions be annulled and the audiovisual legislation be modified. Several groups, among them the Student Association at the Academy of Economic Studies and a group of performing artists and composers, spoke out against the closure of television and radio stations under this law, as did the OSCE High Commissioner for National Minorities and the Head of the OSCE mission in Moldova. The law also elicited strong criticism from Russia. The television and radio stations continued broadcasting despite suspension of their licenses, because the AVC had no real means to enforce the suspension. In October Parliament passed an amendment to the AV law, specifying that the 65 percent rule applied only to locally produced broadcast content. This allowed the AVC to reinstate the suspended licenses, because the affected stations were primarily repeater stations for foreign produced material.

The Constitution restricts press freedoms, forbidding "disputing or defaming the State and the people" and political parties that "militate" against the country's sovereignty, independence, and territorial integrity. These restrictions lack implementing legislation and are not invoked. In the past, criticism of public figures had resulted in a number of lawsuits. Consequently to avoid lengthy lawsuits, journalists practiced self-censorship. The Supreme Court in 1999 overturned an article in the Civil Code that allowed public figures to sue for defamation without distinguishing between their public and private persons. Under the Court's 1999 ruling, parties filing lawsuits must prove that the information was false and defamatory and published recklessly or with intentional malice. Since the 1999 decision, the plaintiffs generally have lost in cases where suits have been filed against journalists and media organs.

Legislation was passed in May giving access to public information. Journalists and ordinary citizens now have the right to obtain information from government organizations, which must also provide a timetable of when they will supply the information; however, at year's end the Government had not yet put into place the necessary mechanisms to respond to public inquiries.

The Government does not restrict foreign publications. However, Western publications do not circulate widely since they are very expensive by local standards. Russian newspapers are available, and some publish a special Moldovan weekly supplement. The country receives television and radio broadcasts from Romania, France, and Russia. A small number of cable subscribers receive a variety of foreign cable television programs. Parliament prohibited the use of locally based foreign media outlets from accepting political ads and publishing editorials in favor of a particular candidate. Of the two major newspapers in Transnistria, one is controlled by the regional authorities and the other by the Tiraspol city government. There is one independent newspaper in Tiraspol and one in the northern Transnistrian city of Ribnitsa. At times the independent newspapers criticize the Transnistrian regime and have been harassed by separatist authorities. Other print media in Transnistria do not have a large circulation and appear only on a weekly or monthly basis. Nonetheless some of them also criticize local authorities. The one independent television station is trying to enlarge its broadcast radius, but produced less than 10 hours of programming per week. The official Transnistrian television station, which previously had enjoyed a virtual monopoly of advertising revenues, continued to resist the independent station's expansion. Most Moldovan newspapers do not circulate in Transnistria although they are available in Tiraspol. Circulation of all print media in Transnistria is hampered by the closed nature of the society. The independent newspaper in Tiraspol, the *Novaya Gazeta*, was effectively shut down from January to August 1999 through the repeated confiscation of its press run by the

Transnistrian authorities. Authorities did not present search warrants or court orders authorizing these confiscations. After a number of legal proceedings in which Transnistrian courts ruled the interventions illegal, and an intervention by the OSCE, the newspaper began to publish again in August 1999, although with a sharply limited circulation and under a modified name (*Samya Novaya Gazeta*). An independent newspaper in Ribnitsa was almost put out of business by two costly libel suits by local officials during the year.

Article 34.5 of the Constitution prohibits censorship and the Government does not officially censor books, films, or any other media; however, members of Parliament and other government officials often contact a media outlet with complaints about their reporting, which usually results in the criticism being toned down. Internet access is not limited by the government, but is prohibitively expensive; however, Internet cafes are plentiful in major cities.

The Government respects academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right to peaceful assembly, and authorities respected this right in practice. Mayors' offices issue permits for demonstrations; they may consult the national government if a demonstration is likely to be extremely large. On March 20, approximately 5,000 teachers and other protesters went on strike in front of the government building, protesting the nonpayment and low level of teachers' salaries. Although over 500 police officers and cadets were present with riot gear and gas masks, the protest remained peaceful.

From April 17 to 19, violent clashes took place between police and as many as 20,000 students, reportedly from every higher education institution in Chisinau, protesting the municipal decision to cancel the students' free public transportation privileges. Both police and students sustained serious injuries, including broken arms and legs (see Section 1.c.). It is estimated that some 400 students were detained over the 3 days. The incident was currently under investigation by the Chisinau municipal prosecutor's office at year's end.

On September 7, about 180 pensioners and others demonstrated peacefully in downtown Chisinau against the municipal withdrawal of free transportation on trolleys and buses for pensioners. The pensioners later enlarged their grievances to include a call for a larger increase in the size of pension deemed necessary to maintain a decent standard of living. Approximately 2,500 pensioners returned to protest on November 1, demanding an increase in their monthly payments and the provision of free public transportation. In December pensioners staged a small, peaceful demonstration protesting pension arrears; there was a similar demonstration in support of veterans who had illegally occupied a building earmarked for parliamentary delegates. Police did not use force at any of the demonstrations.

The Constitution states that citizens are free to form parties and other social and political organizations, and authorities respected this right in practice. Private organizations, including political parties, are required to register, but applications are approved routinely. The Constitution forbids parties that "militate against the sovereignty, independence, and territorial integrity of Moldova." A total of 30 parties met the requirement of the October 1998 law requiring 5,000 members and are registered officially. An amendment to this law, which required that parties must have been registered for at least 2 years before taking part in elections, was ruled unconstitutional by the Constitutional Court in October. Parties registered for less than 2 years will therefore be allowed to participate in February 2001 elections.

*c. Freedom of Religion.*—The Government generally permits the free practice of religion; however, a 1992 law on religion that codifies religious freedoms contains restrictions that could and in some instances did—inhibit the activities of some religious groups. The law provides for freedom of religious practice, including each person's right to profess his religion in any form. It also protects the confidentiality of the confessional, allows denominations to establish associations and foundations, and states that the Government may not interfere in the religious activities of denominations. The procedures for registering a religious organization are the same for all groups. In the territory under effective control of the Moldovan authorities the Bessarabian Orthodox Church is the only religious group presently denied registration.

Several religious organizations face difficulties registering or conducting religious activities in the area under control of the Transnistrian authorities.

The law on religion as amended to legalize proselytizing—in principle bringing the legislation in line with the ECHR—went into effect in June 1999. However, the law on religion explicitly forbids "abusive proselytizing." Abusive is defined as "an attempt to influence someone's religious faith through violence or abuse of authority." Although some Protestant groups were concerned that the previous prohibition on

proselytizing could inhibit their activities, the Government has not taken legal action against individuals for proselytizing.

Although Eastern Orthodoxy is not designated in the law on religion as the official religion, it continued to be a strong religious force and exerted significant influence. A notable example has been that of the Bessarabian Orthodox Church. The Government denied recognition to the Bessarabian Orthodox Church in October 1992, March 1996, August 1996, and March 1997. The Bessarabian Orthodox Church was formed in 1992 when a number of priests broke away from the Moldovan Orthodox Church, which is subordinate to the Moscow Patriarchate. The Bessarabian Orthodox Church, which sees itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (the part of Moldova between the Nistru and Prut Rivers), subordinated itself to the Bucharest Patriarchate of the Romanian Orthodox Church. The Government consistently has refused to register the Bessarabian Church, citing unresolved property claims and stating that the Bessarabian Church is a "schismatic movement." The issue has political as well as religious overtones, because it raises the question whether the Orthodox Church should be united and oriented toward Moscow, or divided with a branch oriented toward Bucharest. (Leaders of the Moldovan Orthodox Church appear more interested in independence than in links to Moscow.) In 1997 the Supreme Court overturned an appellate court decision affirming the right of the Bessarabian Church to register with the Government. However, the Supreme Court's decision was based on a procedural issue rather than on the merits of the case. The Bessarabian Church appealed the case to the European Court of Human Rights in June 1998. The Government submitted its response in February, arguing that registering the Bessarabian Church would interfere with an internal matter of the Moldovan Orthodox Church. There was no decision by year's end.

In January 1998, authorities in Transnistria canceled the registration of Jehovah's Witnesses. Repeated attempts by Jehovah's Witnesses to reregister have been denied or delayed. Transnistrian officials regularly confiscate religious tracts from members of Jehovah's Witnesses, most recently in January, because the group is not registered properly. According to local leaders of Jehovah's Witnesses, two preachers were arrested and detained for several days in April 1999. The Church of the Living God has been denied registration in five towns in Transnistria. Baptist leaders have complained that they are not allowed to distribute religious literature or organize public meetings in Transnistria. Non-Orthodox groups complain that they generally are not allowed to rent property and often are harassed during religious services.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government does not restrict travel within the country, and there are no closed areas. Citizens generally are able to travel freely; however, there are some restrictions on emigration. Close relatives with a claim to support from the applicant must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets. However, such cases are very rare, and none were reported during the year. It is generally accepted that a large number of Moldovan citizens are working in foreign countries without having legal status in those countries. Figures on emigration from a variety of official Moldovan sources are statistically inaccurate; however, current government estimates claim that between 600,000 and 800,000 Moldovans are illegally working outside the country due to economic depravation. Estimates indicate that the majority of them are working in Russia, Romania, Ukraine and Bulgaria. There also are occasional news stories of arrests of illegal Moldovans in South Africa and South Korea. The Interior Ministry reported in October that 2,240 Moldovan citizens working illegally abroad had been extradited back to the country.

Travel between Transnistria and the rest of the country is not prevented. There are regularly scheduled buses and trains. However, the separatist authorities often stop and search incoming and outgoing vehicles. In May 1999, the Moldovan Government established fixed and mobile "fiscal posts" to control smuggling of untaxed goods from Transnistria.

Moldova is not a party to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government has no processing procedures for potential refugees resident in the country. According to a representative of the U.N. High Commission for Refugees (UNHCR) about 10 to 15 people per month arrive in Moldova seeking refuge. Many originate in Chechnya, Iraq, Sudan, Afghanistan and Nigeria. Most are detained at the airport until they can be deported. The Chechens, Russian speakers who physically resemble resident Moldovans, are more successful in gaining admission. The Government formally started cooperating with the UNHCR in late 1997.

The approximately 60 to 100 Chechen refugees who arrived in Moldova during the year led to controversy between the Government and the UNHCR over the extent

of legal protection refugees should receive. According to a UNHCR representative, the authorities frequently fail to inform the UNHCR of the arrival of refugees or disregard UNHCR guidance and advice. At the urging of the UNHCR, the Government accelerated the submission of a law on refugees to the Parliament, but it had not been passed by year's end.

The issue of providing first asylum has never arisen formally. There were no official reports of the forced return of persons to a country where they feared prosecution; however AI reported a case in which such a forced return took place. According to AI, a Kurdish Turk, allegedly a leader in the Kurdistan Workers Party (PKK), was seized on July 13 by unidentified men in Chisinau and flown to Turkey where he faces charges that could carry a death sentence. Local human rights organizations charge that the Government failed to follow correct procedures in the case. There are allegations that national security officers were involved; however, the authorities deny them.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens have voted in multiparty presidential and parliamentary elections in 1996 and 1998 respectively. International observers considered the elections to be free and fair, but Transnistrian authorities have interfered with citizens' ability to vote in these elections.

The Constitution adopted in 1994 provided for the division of power among the popularly elected President, the Cabinet, the Parliament, and the judiciary. The President as Head of State, in consultation with the Parliament, appoints the Cabinet and the Prime Minister, who functions as the head of government. A minister can be dismissed only with the assent of the Prime Minister. Some observers believe that the Constitution does not define adequately how executive powers are to be shared between the President and the Prime Minister. The President held a non-binding referendum in May 1999, asking if citizens wanted a stronger presidency. Based on a 65 percent positive response, the President proposed an initiative to revise portions of the Constitution in August 1999. The proposal sought to create a "presidential republic" with more power in the hands of the chief executive. Two groups of parliamentarians presented alternative constitutional amendments to create a "parliamentary republic." On July 5, Parliament acted on the proposals and voted to amend the 1994 Constitution to transform the country into a parliamentary republic, significantly reducing the president's powers and changing the presidential election from a popular to a parliamentary vote. The bill was sent to the President who vetoed it and sent it back to parliament. The Parliament overrode the veto on July 21 and the bill became law.

In September Parliament passed implementing legislation. According to this legislation, three-fifths of the vote in Parliament are required to elect a candidate, and the vote must be held by secret ballot. If Parliament fails to elect a candidate in the first round of voting, a runoff can be held between the two leading candidates. If the runoff fails to produce a winner, another vote can be held within 15 days. If Parliament fails to elect a president after the second round of voting, the sitting President can dissolve Parliament.

On December 1, Parliament held the first round of the presidential election. Two candidates competed for the position of President: Communist Party leader Vladimir Voronin and Constitutional Court President Pavel Barbat. Several Parliamentarians did not respect the secret ballot and the results of the first round of voting were declared invalid by the Constitutional Court. A repeat of the first vote was held on December 4. Neither candidate secured the necessary

three-fifths majority of the vote, therefore a runoff was held on December 6; however, both candidates were again unsuccessful in securing a three-fifths majority. A second round of voting on December 21 ended in disarray when several parties boycotted the vote, preventing Parliament from achieving the required quorum to hold the vote. The Constitutional Court however ruled that the December 21 Parliamentary session, although unsuccessful, constituted the legal second round of elections. Thus on December 31, Moldovan President Petru Lucinschi dissolved the Parliament and scheduled new parliamentary elections for February 25, 2001. His decision to dissolve Parliament was made on the grounds that Parliament had failed to elect a new president according to the constitutional procedure and timeframe, a position supported by the Constitutional Court.

The Constitution states that citizens are free to form parties and other socio-political organizations. However, the controversial Article 41 of the Constitution states that organizations that are "engaged in fighting against political pluralism," the "principles of the rule of law," or "the sovereignty and independence or territorial integrity" of the country are unconstitutional. Small parties that favor unification

with neighboring Romania have charged that this provision is intended to impede their political activities. The Association of Victims succeeded in registering as a political party, but a request to change its name to the National Romanian Party, was refused. Following an appeal, the Court of Appeals ruled that the organization could change its name. The Ministry of Justice followed the decision of the Court of Appeals and registered the party under its new name in December.

A law on administrative and territorial reform went into effect in January 1999 and reduced the number of administrative districts from 42 to 12. New districts included the municipality of Chisinau, the Gagauz autonomous region, and the Transnistrian region. Citizens voted for mayors and newly created district and municipal councils in May 1999 elections. Twenty-three parties and a number of independent candidates participated in the campaign. Although the parties in Parliament won most of the posts, a leftist party, not in Parliament, gained several positions in the north, and independents were elected throughout the country. Transnistrian authorities did not allow citizens to vote in their region. The Gagauz did not participate in the May 1999 elections but held separate elections in September 1999 for governor (Bashkan) and 35 deputies to its Popular Assembly.

In 1991 separatist elements, assisted by uniformed Russian military forces in the area and led by supporters of the 1991 coup attempt in Moscow, declared a "Dniester Republic" in the area of the country that is located between the Dniester River and Ukraine. Fighting flared briefly in 1992 but ended after Russian forces intervened, and a truce has held since. Russian, Ukrainian, and OSCE mediators have attempted to encourage the two sides to reach a settlement that preserves Moldovan sovereignty and independence while granting a measure of autonomy to Transnistria. In 1997 the Transnistrian authorities signed a memorandum of understanding with the Government. Since then further negotiations have been inconclusive, and there was no significant progress towards a settlement by year's end. In August Russian State Commission chairman Yevgeniy Primakov launched a new initiative for a resolution of the Transnistrian issue. The initiative recommended the federalization of Moldova and the creation of a Russian-led OSCE peacekeeping force.

Women are underrepresented in leading positions both in government and political parties, although there are no restrictions in law or practice on the participation of women or minorities in political life. Women hold 8 of 101 parliamentary seats. All female parliamentarians formed a club in September 1999 to unite efforts to improve the social condition of women and children. The Association of Moldovan Women, a sociopolitical organization, competed in the 1998 parliamentary elections but was unable to gain parliamentary representation. Russian, Ukrainian, Bulgarian, and Gagauz minorities are represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debate takes place in either the Moldovan/Romanian or Russian language, with translation provided.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Several local human rights groups exist. They operate without interference except in the Transnistrian region. The local Helsinki Watch Organization maintains contacts with international human rights organizations, as does the Helsinki Citizens Assembly. AI established a satellite office in Chisinau in 1997 and has become active in the country, although the authorities in Tiraspol impede its activities in the Transnistrian region. Amnesty, a local human rights nongovernmental organization (NGO) unaffiliated with Amnesty International, applied for registration in Transnistria, as required by the Transnistrian "Constitution." Their petition took 8 months to be approved (as opposed to the usual 2 months) and their members were called in separately by the police for questioning. Two members reported they had received veiled death threats.

Citizens may appeal to the EHCR in Strasbourg if they believe their rights have been violated or Moldovan laws are not in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). In the first half of the year, citizens filed 50 cases with the ECHR. The majority of the cases dealt with lack of social protection and salary and pension arrears accumulated by the Government. At year's end, none of the cases had been resolved. Most citizens are unaware of the convention and their rights to legal remedies in general.

Parliament passed the Law on Parliamentary Advocates in October 1997, which created three positions of parliamentary advocates (ombudsmen) and established an independent center for human rights. Parliament appointed the three advocates, with equal rights and responsibilities, in February 1998 for 5-year terms. A parliamentary advocate may only be removed from office by a two-thirds vote of Parliament, which gives them substantial independence. Parliamentary advocates are

empowered to examine claims of human rights violations and advise Parliament on human rights issues. Advocates also have the right to submit any legislation to the Constitutional Court for a review of constitutionality, even if no specific case has been brought before them. The advocates oversee the operation of a human rights center, which opened in April 1998 with the support of the U.N. Development Program. The center provides training for lawyers and journalists, visits jails, tries to influence legislation, and conducts seminars and training programs. In 1999 with financial aid from the Government of the Netherlands, it organized eight seminars and 17 training sessions on human rights issues. Of the approximately 7,300 complaints handled by the center this year, the majority involved private property violations, labor rights, access to justice, personal security, right to life and personal dignity issues. The center also held approximately 80 specialized seminars and educational training programs for police, penitentiary personnel, judges, prosecutors, public administration officials, and law students.

The Government has supported the work of the OSCE, which has had a mission in the country since 1993 to assist in efforts to resolve the separatist conflict. The OSCE participates in the Joint Control Commission-composed of Moldovan, Russian, Ukrainian, and Transnistrian members-which reviews violations of the cease-fire agreement. The mission generally enjoys access to the security zone along the river dividing the separatist-controlled territory from the rest of the country.

The Government has cooperated with the ICRC in the past, permitting visits to prisoners from the 1992 conflict. In August Transnistrian separatist authorities agreed in principle to allow the ICRC access to the four members of the original Ilascu Group, who have remained in prison since 1993 (see Sections 1.c. and 1.e.); however, the visit had not taken place by year's end.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution states that persons are equal before the law regardless of race, sex, disability, religion, or social origin. There are remedies for violations, such as orders for redress of grievances, but these are not always enforced.

*Women.*—Spousal violence is known to occur, although the Government does not keep official data on incidences of domestic violence. A prominent women's rights advocate asserts that one-half of women are victims of domestic violence. The Government supports educational efforts, usually undertaken with foreign assistance, to increase public awareness of this problem and to train public officials and law enforcement officials in how to address domestic violence. The Criminal Code does not specifically address crimes of domestic assault, and the Government rarely prosecutes domestic assault crimes under its general assault laws; however, women abused by their husbands have the right to press charges. Husbands convicted of such abuse may receive prison sentences (typically up to 6 months). There is no law on spousal rape. The Ministry of Internal Affairs reported 382 cases of spousal abuse cases during the year, including 95 resulting in serious bodily injury, 10 murder attempts, and 72 murders.

The First Lady and the mayor of Chisinau initiated a project in October 1999 to open a women's shelter in Chisinau. The city donated a former kindergarten to a private organization to operate the shelter, and a member of Parliament was named as executive director of the organization. By year's end, the shelter had not yet opened due to lack of funds. A private organization operates a confidential service to provide support to abused spouses, including a hot line for battered women. According to knowledgeable sources, women generally do not appeal to police or the courts for protection against abusive spouses because they are embarrassed to do so and are not convinced that the authorities would react positively, as the police generally do not consider spousal abuse a serious crime. The Ministry of Internal Affairs recorded 193 cases of rape and 22 cases of attempted rape, an 11 percent decrease from the same period in 1999. Women's groups believe that the numbers of rapes and incidents of spousal abuse are underreported.

Trafficking in women is a very serious problem (see Sections 6.e. and 6.f.).

The law provides that women shall be equal to men; however, according to statistics, women have been affected disproportionately by growing unemployment. By law women are paid the same as men for the same work, although they still are victimized by societal discrimination. There are a significant number of female managers in the public sector and in banking. The president of the country's largest bank is a woman.

*Children.*—There is extensive legislation designed to protect children, including extended paid maternity leave and government supplementary payments for families with many children. Free, basic education is compulsory for 9 years, and may be followed by either technical school or further study leading to higher education.

The requirement can change at the discretion of the Minister of Education or budgetary constraints. During the year, many inadequately funded schools in the countryside started charging parents for their children's education. While not technically illegal, it runs counter to the educational guarantees of the government. This resulted in many children being kept at home by their parents. Children are sent to work in the fields or to find other work in violation of the child labor laws. Some credible estimates state that as many as 25 percent of the students in the countryside are no longer in school. The health system devotes extensive resources to childcare.

There are no statistics on child abuse, but it is believed to be widespread. Observers allege that women begging on the streets of Chisinau often sedate their babies in order to spend long hours begging without having to take time out to attend to their babies' needs. Child support programs suffer from inadequate funding.

The situation of children in the country's orphanages is generally very bad. Official estimates put the number of orphans at about 10,000, although NGO's estimate up to 30,000 children. Among the major problems are insufficient food, warehousing of children, lack of heat in the winter, and disease. Most of these problems are caused by lack of funding. One orphanage director lost his job for selling the food earmarked for the children on the black market. He also was rumored to have sterilized forcibly a teenage girl in his care.

Homeless children live on the streets of Chisinau and other large urban areas. Reliable statistical information is not available, although estimates were as high as 1,000 in 1998.

The Ministry of Internal Affairs announced in December 1999 that it had uncovered a network trafficking children for purposes of adoption between Moldova and Uzbekistan. According to the Ministry, 18 children, most of them under one year of age, were sold in Tashkent during 1998 and 1999 for an average price of between approximately \$2,000 and \$3,000 (approximately 25,000 " 37,000 Moldovan lei). The Ministry of National Security stopped a similar ring that trafficked children between Moldova and Israel in 1995.

Trafficking in girls for forced prostitution between the ages of 15 to 18 years is a very serious problem (see Sections 6.c. and 6.f.).

*People with Disabilities.*—There is no legal discrimination against persons with disabilities; however, there are no laws providing for access to buildings, and there are few government resources devoted to training persons with disabilities. The Government does provide tax advantages to charitable groups that assist the disabled.

*Religious Minorities.*—There were no reports during the year of incidents such as that in May 1999 when a group of about 500 Orthodox Christians led by 4 to 6 priests attacked a small group of Baptists in the village of Mingir, injuring 3 persons, and partially destroying a Baptist church.

*National/Racial/Ethnic Minorities.*—According to the 1989 census, the population is about 4.3 million, of which 65 percent are ethnic Moldovans. Ukrainians (14 percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz, lives primarily in the southern regions of the country. The Gagauz are largely Russian-speaking and represent about 3.5 percent of the population. Official statistics put the Roma population at 11,600, although estimates from the OSCE and Roma NGO's range from 50,000 to 200,000. The Government announced in September that it would allocate money from the budget to conduct a national census in 2001; however, no action had been taken by year's end.

The issue of minority rights and the language issue are closely related, particularly in the perceptions of the Russian speaking minority and the Moldovan/Romanian speaking majority. Moldovan/Romanian was declared at independence to be the state language; however, in 1989 Russian was designated a language for interethnic communication. The 1990 citizenship law offered an equal opportunity to all persons residing in the country at the time of independence to adopt Moldovan citizenship. The OSCE's Office of Democratic Institutions and Human Rights described the law as very liberal. A new law permitting dual citizenship went into effect in August. According to this law, dual citizenship can be obtained through birth, marriage, on the basis of a bilateral agreement (although no such agreements are in effect), or if it is provided by an international accord to which the country is a party. Naturalization requirements of the new law include a "sufficient knowledge" of the state language and constitution.

Parliament has postponed indefinitely the implementation of language testing, which was called for in the 1989 language law and was to have begun by 1994. According to the law, a citizen should be able to choose which language to use in dealing with government officials or commercial entities. Officials are required to know Russian and Moldovan/Romanian "to the degree necessary to fulfill their profes-

sional obligations." Since many Russian speakers do not speak Moldovan/Romanian (while most educated Moldovans speak both languages), they argued for a delay in the implementation of the law in order to permit more time to learn the language. The Constitution provides parents with the right to choose the language of instruction for their children.

In October 1999, the Parliament approved the Government's decision to grant district status to Taraclia, a region in the south with a 64 percent ethnic Bulgarian majority. The vote reversed the results of the territorial-administrative reform begun in January 1999, which had eliminated Taraclia's district status and subsumed it under a region where Bulgarians would no longer constitute a majority. Voters in the Taraclia district approved a referendum in January 1999 specifying they not be included in the larger district, with 88 percent of eligible voters participating and 92 percent voting in favor of the referendum.

In the separatist Transnistrian region discrimination against Moldovan/Romanian speakers continued. State schools are required to use the Cyrillic alphabet when teaching Romanian. Many teachers, parents, and students objected to the use of the Cyrillic script to teach Romanian. They believe that it disadvantages pupils who wish to pursue higher education opportunities in the rest of the country or in Romania. (Cyrillic script was used to write the Romanian language in Moldova until 1989, since "Moldovan," as it was then called, was decreed officially during the Soviet era to be a different language from Romanian, which is written in the Latin alphabet. The 1989 language law reinstituted obligatory use of the Latin script. As a result of an agreement between the Government and the separatist authorities, eight schools in the separatist region obtained permission in 1996 to use the Latin alphabet, with salaries and textbooks to be supplied by the Moldovan Ministry of Education. These schools are considered private schools by the local authorities. They must pay rent for their facilities and meet local curriculum requirements, building codes, and safety standards. The Government still has no budgetary provisions to pay the high rents of such facilities. As a result, classes were held in local homes or run in shifts in the few available buildings.

After delaying its opening and threatening to keep it closed, separatist authorities allowed the Romanian Language School (Latin alphabet) in Tiraspol to open in September 1999 without restriction from the authorities. The Ministry of Education and the Romanian government supplied books to the school and the UNHCR provided furniture and vehicles. The school is running three to four shifts per day to accommodate the number of students.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The 1990 Soviet law on trade unions enacted by Moldova's then Supreme Soviet remains in effect and provides for independent trade unions. Laws passed in 1989 and 1991, which give citizens the right to form all kinds of social organizations, also provide a legal basis for the formation of independent unions. The 1994 Constitution states that any employee may found a union or join a union that defends workers' interests. However, there have been no known successful attempts to establish alternate trade union structures independent of the successor to the Soviet trade union system.

The successor organization is the General Federation of Trade Unions (GFTU). The GFTU's continuing role in managing the state insurance system and its retention of former official union headquarters and vacation facilities provide an inherent advantage over other groups who might wish to form a union. The growing dissatisfaction with the GFTU's policies resulted in several splits within the organization; however, these informal splinter groups have been unsuccessful in forming a new independent union. Virtually all employed adults are members of a union.

Government workers do not have the right to strike, nor do those in essential services such as health care and energy. Other unions may strike if two-thirds of the members vote for a strike in a secret ballot. There were several labor actions for payment of wage arrears, including a number of strikes by teachers, health care workers, and spouses of police officers in various parts of the country.

Unions may affiliate and maintain contacts with international organizations. The GFTU became a member of the International Confederation of Trade Unions in 1999.

*b. The Right to Organize and Bargain Collectively.*—The law, which is based on former Soviet legislation, provides for collective bargaining rights; however, wages are set through a tripartite negotiation process involving government, management, and unions. The three parties meet and negotiate national minimum wages for all categories of workers. Then each branch union representing a particular industry negotiates with management and the government ministries responsible for that industry. They may set wages higher than the minimum set on the national level and



often do, especially if the industry in question is more profitable than average. Finally on the enterprise level, union and management representatives negotiate directly on wages. Again they may set wages higher than negotiators on the industry level.

There were no reports of actions taken against union members for union activities. The 1990 Soviet law on trade unions provides that union leaders may not be fired from their jobs while in leadership positions or for a period after they leave those positions. There were no reports of such firings this year.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced and compulsory labor, and it generally is not known to occur; however, trafficking in women is a very serious problem (see Section 6.f.). The Government specifically prohibits forced and bonded labor by children; however, trafficking in girls for purposes of forced prostitution is a very serious problem (see Section 5 and 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for unrestricted employment is 18 years. Employment of those between the ages of 16 and 18 is permitted under special conditions, including shorter workdays, no night shifts, and longer vacations. The Ministry of Labor, Social Protection, and the Family is primarily responsible for enforcing these restrictions, and the Ministry of Health also has a role. Child labor is not used in industry, although children living in rural areas often assist in the agricultural sector. Education is compulsory for 9 years (see Section 5). The Government specifically prohibits forced and bonded labor by children; however there were reports of trafficking in girls (see Sections 5, 6.c., and 6.f.).

*e. Acceptable Conditions of Work.*—There is a legal minimum monthly wage of \$9 (100 Moldovan lei), for those employed by the state and \$12.75 (150 Moldovan lei) for those employed by private firms, but this is used primarily as a basis for calculating pensions, scholarships, and fines. The average monthly wage of approximately \$33 (410 Moldovan lei) does not provide a decent standard of living for a worker and family. The lowest wages are in the agricultural sector, where the monthly average is approximately \$17 (216 Moldovan lei). Due to severe budgetary constraints, the Government and private sector often do not meet payrolls for employees, and workers conducted labor actions to protest wage arrears several times during the year (see Section 2.b.). The Constitution sets the maximum workweek at 40 hours, and the Labor Code provides for at least 1 day off per week.

The State is required to set and check safety standards in the workplace. The unions within the GFTU also have inspection personnel who have a right to stop work in the factory or fine the enterprise if safety standards are not met; however, this right is rarely exercised. Further, workers have the right to refuse to work, but they may continue to draw their salaries if working conditions represent a serious threat to their health. However, in practice the depressed economic situation has led enterprises to economize on safety equipment and generally to show little concern for worker safety issues. Workers often do not know their rights in this area. The Ministry of Labor reported 83 serious industrial injuries, 38 of which resulted in death during the year. The Ministry of Labor has announced it will publish a new statistical report on labor standards in April 2001.

*f. Trafficking in Persons.*—The law does not prohibit trafficking and it cannot be prosecuted under other statutes, and trafficking in women and girls is a very serious problem (see sections 5 and 6.c.). The new criminal code under consideration in Parliament does contain a prohibition on trafficking in persons. Although no statistics are available, Moldova is a source country for women and girls, who are trafficked to various locations, including Turkey, Greece, Italy, Kosovo, and Israel for forced prostitution. The International Organization for Migration (IOM) reports that more than 50 percent of the women working in forced prostitution in Kosovo are from Moldova. Turkey deports approximately 2,500 Moldovan women for prostitution yearly. Women and girls reportedly are trafficked to Italy and Greece through Romania, Serbia-Montenegro, and Albania. There are also reports that women are trafficked to Syria, Saudi Arabia, Portugal, France, Spain, and the Former Republic of Yugoslavia. A prominent women's rights activist and member of Parliament states that more than 10,000 Moldovan women are working as prostitutes in other countries. The large profits of the trafficking industry allow traffickers to exploit opportunities for the corruption of officials. There have been unsubstantiated reports by local NGO's of involvement by government officials; however, no official charges have been made. Women and girls accept job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. Then traffickers take their passports, require them to "repay" a sizeable sum, and force them into sexual bondage. It is common for traffickers to recruit women from rural villages; the women are brought to larger cities and then trafficked abroad.

Apart from a 1999 documentary shown on state television the problem, the Government has taken few steps to prevent the trafficking of women or to assist victims; however, it slowly is beginning to address the problem. In addition to participating in a Southeast European Cooperative Initiative (SECI) Human Trafficking Task Force, the Government started a working group in May to implement a project of the IOM on trafficking in women and girls. The group consists of the Vice-Prime Minister, the Ministers of Labor, Justice, and External Affairs, and three Parliamentarians involved in women's issues. The group created a special law enforcement unit within the Ministry of Internal Affairs, during the year. The Ministry of Internal Affairs proposed strengthening laws against trafficking in women in the new criminal code; however, the amendment had not yet been sent to Parliament by year's end. There are no government-operated assistance programs for victims.

Several NGO's made efforts, with foreign assistance, to combat the problem through information campaigns and job training for women. Save the Children works with victims, especially repatriated girls. There are also local NGO's involved in public school programs to educate young women about the dangers of prostitution and to establish a hot line for those in need of advice. The IOM established an office in Chisinau in January.

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## MONACO

Monaco is a constitutional monarchy in which the sovereign Prince plays a leading role in governing the country. The Prince appoints the four-member Government, headed by a Minister of State chosen by the Prince from a list of candidates proposed by France. The other three members are the Counselor for the Interior (who is usually French), the Counselor for Public Works and Social Affairs, and the Counselor for Finance and the Economy. Each is responsible to the Prince. Legislative power is shared between the Prince and the popularly elected 18-member National Council. In addition, there are three consultative bodies whose members are appointed by the Prince: The 7-member Crown Council; the 12-member Council of State; and the 30-member Economic Council, which includes representatives of employers and trade unions.

In addition to the national police force, the "Carabiniers du Prince" carry out security functions. Government officials control both forces.

The principal economic activities are services and banking, light manufacturing, and tourism.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 5,000 residents who hold Monegasque nationality. The latter enjoy free education, financial assistance in case of unemployment or illness, and the right to vote and hold elective office. Women traditionally have played a less active role than men in public life, but this is changing; women currently hold both elective and appointive offices.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that officials employed them. Prison conditions meet or exceed minimum international standards, and the Government permits visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect either might flee or interfere with the investigation of the case. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. The magistrate may permit family members to see detainees.

The Government does not use forced exile on its own nationals. However, sometimes it expels non-Monegasque nationals who violate of residency laws or who have committed minor offenses, such as disorderly conduct.

*e. Denial of Fair Public Trial.*—Under the 1962 Constitution, the Prince delegated his judicial powers to an independent judiciary. The law provides for a fair, public trial, and an independent judiciary respects these provisions. The defendant has the right to be present and the right to counsel, at public expense if necessary. As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal. There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices and Government authorities generally respect these rights in practice.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. However, the Monegasque Penal Code prohibits public denunciations of the ruling family, a provision that the media respect in practice. Several periodicals are published. Foreign newspapers and magazines circulate freely, including French journals that specifically cover news in the Principality. Foreign radio and television are received without restriction. There are no restrictions in the access to the Internet. Stations that broadcast from the Principality operate in accordance with French and Italian regulations.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides citizens with the rights of peaceful assembly and association. Outdoor meetings require police authorization, which is not withheld for political or arbitrary reasons. Formal associations must be registered and authorized by the Government.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government respects this right in practice. Roman Catholicism is the state religion.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Residents move freely within the country and across its open borders with France. Monegasque nationals enjoy the rights of emigration and repatriation. They can be deprived of their nationality only for specified acts, including naturalization in a foreign state. Only the Prince can grant or restore Monegasque nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

In light of its bilateral arrangements with France, the Government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of cases is very small. There were no reports of the forced return of persons to a country where they feared persecution.

## *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Authority to change the government and to initiate laws rests with the Prince. The 1962 Constitution cannot be suspended, but it can be revised by common agreement between the Prince and the elected National Council. The Prince plays an active role in Government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French Government. He names as well the three Counselors of Government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government. Each is responsible to the Prince.

Only the Prince may initiate legislation, but the 18-member National Council may propose legislation to the Government. All legislation and the adoption of the budget require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting. Both political parties currently are represented on the Council. There is one independent member.

The Constitution provides for three consultative bodies. The seven-member Crown Council (composed exclusively of Monegasque nationals) must be consulted by the Prince on certain questions of national importance. He may choose to consult it on other matters as well. The 12-member Council of State advises the Prince on proposed legislation and regulations. The 30-member Economic Council advises the government on social, financial, and economic questions. One-third of its members come from the trade union movement, and one-third from the employers' federation.

Women are active in public service. The Mayor of Monaco, one member of the Crown Council, four members of the National Council, and four members of the Economic Council are women.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

While the Government imposes no impediments to the establishment or operation of local groups devoted to monitoring human rights, no such groups have been formed. Outside groups have not sought to investigate human rights conditions.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides that all Monegasque nationals are equal before the law. It differentiates between rights that are accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded all residents for example, freedom of religion and inviolability of the home.

*Women.*—Reported instances of violence against women are rare. Marital violence is prohibited strictly and any wife who is a victim may bring criminal charges against her husband. Women are represented fairly well in the professions; they are represented less well in business. The law governing transmission of citizenship provides for equality of treatment between men and women who are Monegasque by birth. However, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

*Children.*—The Government is committed fully to the protection of children's rights and welfare and has well-funded public education and health care programs. The Government provides compulsory free and universal education for children. There is no societal pattern of abuse of children.

*People with Disabilities.*—The Government mandated that public buildings provide access for the disabled, and this objective has been largely accomplished.

*Section 6. Worker Rights*

*a. The Right of Association.*—Workers are free to form unions, but fewer than 10 percent of workers are unionized, and relatively few of these reside in the Principality. Unions are independent of both the Government and the Monegasque political parties. The Monegasque Confederation of Unions is not affiliated with any larger labor organization but is free to join international bodies.

The Constitution provides for the right to strike in conformity with relevant legislation. However, government workers may not strike. Strikes are rare. The last strike occurred in 1996, when the Monegasque Confederation of Unions organized a 1-day work stoppage by bank, transportation, and factory employees.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the free exercise of union activity. Agreements on working conditions are negotiated between organizations representing employers in a given sector of the economy and the respective union. Antiunion discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. Allegations that an employee was fired for union activity may be brought before the Labor Court, which can order redress, such as the payment of damages with interest.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, and it is not known to occur. The Constitution prohibits forced and bonded labor by children and enforces this prohibition effectively.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old. The Constitution prohibits forced and bonded child labor, and the government enforces this prohibition effectively (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The legal minimum wage for full-time work is the French minimum wage plus 5 percent, that is approximately \$6.90 (42.76 French francs) per hour. The 5 percent adjustment is intended to compensate for the travel costs of the three-quarters of the workforce who commute daily from France. The minimum wage is adequate to provide a decent living for a worker and family. Most workers receive more than the minimum. The legal workweek is 39 hours. Health and safety standards are fixed by law and government decree. These standards are enforced by health and safety committees in the workplace and by the government Labor Inspector.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within or through the country.

## THE NETHERLANDS

The Netherlands is a constitutional monarchy with a parliamentary legislative system. Executive authority is exercised by the Prime Minister and Cabinet representing the governing political parties (traditionally a coalition of at least two major parties). The bicameral Parliament is elected through free and fair elections. The judiciary is independent.

Regional police forces are primarily responsible for maintaining internal security. The police, the royal constabulary, and investigative organizations concerned with internal and external security are under effective civilian authority.

The market-based economy is export oriented and features a mixture of industry, services, and agriculture. Key industries include chemicals, oil refining, natural gas, machinery, and electronics. The agricultural sector produces fruit, vegetables, flowers, meat, and dairy products. Living standards and the level of social benefits are high. Unemployment is 2.7 percent; however, long-term unemployment, particularly among ethnic minorities, remains a problem.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Problems include violence and discrimination against women, child abuse, trafficking in women and children, and discrimination against minorities. The Government is taking steps to deal with all of these problems.

Aruba and the Netherlands Antilles, which are two autonomous regions of the kingdom, also feature parliamentary systems and full constitutional protection of human rights. In practice respect for human rights in these islands generally is little different from that in the European Netherlands. The islands' prison conditions remain substandard.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that officials employed them.

The Government took steps in 1999 to facilitate the filing of complaints about police behavior, to create uniform complaint procedures, and to ensure that complaints are assessed by an independent committee.

Prison conditions in the Netherlands meet minimum international standards, and the Government permits visits by human rights monitors.

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has urged the Governments of the Netherlands, the Netherlands Antilles, and Aruba to improve the "inhuman" conditions in Curacao's Koraal Specht prison and in cell blocks at the police stations on the islands of St. Maarten, Bonaire, and Aruba. The CPT's criticism focused on overcrowding, extremely poor sanitary conditions, poor food, and insufficient ventilation. The Committee also criticized widespread corruption and the mistreatment of prisoners by guards at Koraal Specht. In May the CPT specifically criticized the Government for not doing enough to prevent outbursts of violence among prisoners—including sexual assaults—and the use of riot police to guard prisoners at the Koraal Specht prison.

The Dutch Government repeatedly offered financial assistance to the Government of the Netherlands Antilles for the construction of a new juvenile wing, a maximum security facility, and other improvements at Koraal Specht. The Government also sent experts on prison organization and the training of guards. Steady progress has been made in improving conditions (prisoners now have mattresses, hygiene and food have improved, and construction began on a new wing to relieve overcrowding). The entire prison complex is being renovated, and a new facility is being built. The Antillean Government reached agreement with a private company to supply expert personnel who are to reorganize prison management and train mid-level staff during

a period of 1 year. The management team began work on September 1 and is being paid by the Dutch Government. New wardens and security guards also were hired.

The Governments of the Netherlands Antilles and Aruba allow access by non-governmental organizations to prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handles both criminal and civil cases. The Supreme Court acts as the highest appellate court and ensures the uniform interpretation of the law. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low income persons), and to appeal. The law provides for the right to a fair trial, and the independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. State subsidies are provided to religious organizations that maintain educational facilities.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government respects them in practice.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of the forced expulsion of those having a valid claim to refugee status. The Government does not provide first asylum as such, but most asylum seekers (86 percent in 1999), except those who obviously came from a "safe country of origin" or stayed for some time in a "safe third country," are permitted to apply for resident status. In 1999 the Government turned down 75 percent of the asylum requests that were processed. However, up to 30 percent of those whose applications were denied nonetheless were permitted to stay temporarily on humanitarian grounds or as long as their country of origin was considered unsafe.

The Government's asylum policy is designed to protect genuine refugees while excluding economic migrants and illegal immigrants. In the early 1990's, the Government adopted several measures to curb the relatively high influx of asylum seekers. This policy initially resulted in the desired decrease, but as other countries adopted even stricter laws, the influx rose again to 45,217 in 1998, a 31 percent increase over 1997. In 1999 the number of asylum seekers fell to 41,306. A new series of harsher rules aims to discourage economic migrants at all stages of the asylum process, by means of a stricter intake, the accelerated processing of asylum requests, limited appeal procedures, and a denial of social assistance to asylum seekers who are screened out. Several of the measures are scheduled to come into effect in 2001.

The Justice Ministry estimates on the basis of interviews with applicants that two-thirds of asylum seekers came to the country via alien smuggling organizations.

#### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

No restrictions in law or in practice hinder the participation of women and minorities in government and politics; women are nevertheless underrepresented. A total of 52 of the 150 members of the second chamber of Parliament are women, as are 4 of the 15 cabinet ministers. However, the two Deputy Prime Ministers are

women. The Government pursues an active policy to promote the participation of women in politics and public administration.

Although a minority, women also hold positions in the Parliaments and Cabinets of the Netherlands Antilles and Aruba.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

In view of its longstanding tradition of hosting international legal tribunals, the Government facilitated the trial of two Libyans accused of the bombing of PanAm flight 103 on December 21, 1988, which killed 270 persons. By agreement among the parties, the Government provided Camp Zeist to the United Kingdom as an extraterritorial venue for the trial, which began in 1999 and is being conducted under Scottish law. The trial continued at year's end.

The Government also hosts the International Criminal Tribunal for the Former Yugoslavia and the headquarters of the International Criminal Tribunal for Rwanda.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution bans discrimination on the basis of any of these factors or political preference. The Government generally is effective in enforcing these provisions. Under the Equal Treatment Act, complainants may take offenders to court under civil law.

*Women.*—Violence against women is a problem. A recent report by the Utrecht University's human rights department showed that about 1 out of 25 women, particularly of ethnic minority groups, are victims of violence by their former and present partners. Each year 60 to 80 women and 40 children die of domestic violence.

The Government supports programs to reduce and prevent violence against women. Battered women find refuge in a network of 48 government-subsidized shelters offering the services of social workers and psychologists. In addition battered women who leave their domestic partners become eligible for social benefits, which include an adequate basic subsidy as well as an allowance for dependent children. Nongovernmental organizations also advise and assist women who are victims of sexual assault. Marital rape is a crime and carries the same penalty as nonmarital rape, a maximum of 8 years' imprisonment. Spousal abuse carries a one-third higher penalty than ordinary battery.

In addition to helping victims of sexual abuse, the Government has pursued an active prevention campaign through commercials and awareness training of educators. A recent evaluation showed that, on average, the campaign positively influenced two-thirds of the population.

Prostitution is legal, and since 1999 the law no longer treats "organizing the prostitution of somebody else" as a crime when done with the consent of the prostitute. However, any form of forced prostitution remains punishable. All brothels now require licenses issued by local governments with strict conditions to be observed by brothel owners. The Government's assumption is that by decriminalizing prostitution, licensing brothel operators, and improving working conditions and health care for prostitutes, while at the same time prohibiting the employment of minors and illegal immigrants, prostitution would be less susceptible to criminal organizations trafficking in women and children. An additional advantage is that the licensing system would make prostitution more transparent and easier for the police to monitor. Between 20,000 and 30,000 individuals are employed in prostitution. It is estimated that half of all prostitutes originate in non-European Union countries and are residing illegally in the country. Trafficking in women for the purpose of forced prostitution remains a problem, which the Government is giving priority to fighting (see Section 6.f.).

The law requires employers to take measures to protect workers from sexual harassment; research shows that about 245,000 women, or 6.6 percent of the female working population, are confronted with sexual intimidation in the work place each year. The Government funds an ongoing publicity campaign to increase awareness of the problem. As the largest employer, it has taken measures to counter harassment among civil servants, for example, in the police force.

Women increasingly are entering the job market, but traditional cultural factors and an inadequate number of day care facilities tend to discourage them—especially women with young children—from working. One-third of women stop working after

the birth of their first child. The participation of women in the labor market increased significantly in the last 25 years, from 29 percent of the working-age female population in 1975 to 58 percent in 2000. The Government wants to raise this figure to at least 65 percent in 2010 through various measures, including an expansion of child care facilities and special leave programs. About 42 percent of women hold part-time jobs. In 1998 the Government established favorable conditions for part-time employment by adopting a law that prohibits employers from treating part-time workers differently from those in full-time jobs.

Women often are underemployed and have less chance of promotion than their male colleagues. They often hold lower level positions than men, mostly because of their part-time status. According to the Ministry of Social Affairs and Employment, the difference in earnings between men and women is 23 percent. Some women nevertheless are making steady progress by moving into professional and high-visibility jobs.

In 1988 the Government started affirmative action programs for women. Collective labor agreements usually include one or more provisions to strengthen the position of women. Legislation mandates equal pay for equal work, prohibits dismissal because of marriage, pregnancy, or motherhood, and provides the basis for equality in other employment-related areas. A legislatively mandated Equal Treatment Commission actively pursues complaints of discrimination in these areas as well as allegations of pay discrimination.

The social welfare and national health systems provide considerable assistance to working women with families. Women are eligible for 16 weeks of maternity leave with full pay. The Parental Leave Law allows parents to take (unpaid) full-time leave during 3 months and to extend the leave over a period longer than 6 months to care for children up to 8 years old. Persons working fewer than 20 hours per week also are entitled to parental leave.

*Children.*—The Government works to ensure the well-being of children through numerous well-funded health, education, and public information programs. The Council for the Protection of Children, operated through the Ministry of Justice, enforces child support orders, investigates cases of child abuse, and recommends remedies ranging from counseling to withdrawal of parental rights. The Government also maintains a popular hot line for children and a network of pediatricians who track suspected cases of child abuse on a confidential basis.

An estimated 50,000 children are victims of child abuse each year, although only approximately 15,000 formal reports of child abuse are registered. As a result of abuse, 40 children died in 1998. The U.N. Commission on Children's Rights in 1999 questioned the Government about its performance in this area. In particular the United Nations questioned the long waiting list for assistance to abused children. Approximately 7,000 abused children are on the waiting list.

The age of consent is 16. Sexual intercourse with minors under age 12 always constitutes a criminal offense; in cases involving minors between the ages of 12 and 16, an interested party must file a complaint. The new prostitution law imposes heavier penalties on prostitution activities involving minors. Maximum penalties vary between 6 years' imprisonment for sex with minors (in the context of prostitution) under age 18, 8 years for sex with minors under 16 years of age, and 10 for sex with minors under 12 years. International sex tourism involving the abuse of minor children is prosecutable. Since 1996 several Dutch citizens have been tried and convicted for the abuse of minors in other countries.

Trafficking in female African youths for the purpose of prostitution is a problem (see Section 6.f.).

The maximum penalty for child pornography is 4 years' imprisonment and 6 years in the event of financial gain. The law allows for provisional arrest, house searches, and criminal financial investigations. The mere possession of child pornography is punishable, but exemptions are made for scientific or educational use. However, these exemptions caused some problems with two child pornographic collections claimed to be of historic value. The age at which minors are allowed to act in pornographic movies was expected to be raised shortly from 16 to 18 years.

The Government has begun a national offensive against child pornography on the Internet. The police monitored the Internet in a year-long pilot project that ended in August. Another police investigation showed that child pornography on the Internet has increased. The police discovered that a large portion of new photographs are processed digitally into pornographic material. The law does not yet include a provision to fight this new form of child pornography. The current law is aimed at the abuse of children, but the children shown on the manipulated pictures in fact have not been abused.



*People with Disabilities.*—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. Local governments increasingly mandate access to public buildings for the disabled.

*Religious Minorities.*—There were a number of complaints about anti-Semitism on Internet sites set up by Dutch citizens.

*National/Racial/Ethnic Minorities.*—The traditionally homogeneous nature of society has changed in recent decades due to the influx of immigrants and asylum seekers who make up about 9 percent of the population. Despite comprehensive policies to promote the integration of racial and ethnic minorities, integration remains a problem. In general citizens are averse to discrimination and unequal treatment and support integration. Society has become increasingly alert to racial discrimination, and various organizations monitor violations.

The Government pursues an active campaign aimed at increasing public awareness of racism and discrimination. According to the latest statistics, 112 persons or organizations were tried on discrimination charges in 1997 (latest statistics available). The chief public prosecutor set up the National Expertise Center on Discrimination in 2000 to improve the prosecution's handling of discrimination cases.

A central government organization was set up in 1999 to fight racial discrimination and to collect nationwide statistics on incidents of discrimination, but it has yet to work out a uniform system. The 29 local antidiscrimination bureaus together registered about 3,000 complaints per year in recent years. Many complaints concern discrimination in the workplace.

In 1998 the Equal Opportunities Committee received 104 complaints relating to race or nationality and ruled in 53 cases of discrimination. Its rulings on such issues as headscarves, dismissal, accent, and language requirements are of major importance because they are applied widely. Most complaints concerned the labor market, including denial of promotion, discrimination in the work place, unequal pay, and dismissal.

At the request of the Ministry of Internal Affairs, the University of Leiden each year investigates the extent of rightwing and racist violence. It reported an increase from 201 registered incidents in 1996 to 313 in 1998, but it assumed that the problem is more widespread because many cases remain unregistered. The 313 cases in 1998 were subdivided as follows: Threats 157; abuse 41; painting slogans 41; vandalism 27; bomb threat 23; other 24. Only a limited number of incidents can be attributed to rightwing extremism: about 19 percent of the 313 cases in 1998. However, that percentage was much higher in the past, which may be connected with the steady decline in membership of rightwing groups from about 1,400 in 1997 to some 600 in 1999. Most of the racist violence is committed at random and arbitrarily by youths often under the influence of alcohol. The culprits rarely are tracked down. In 1998 the culprits were identified in only 22 of the 313 cases. Only half of all discrimination cases are prosecuted.

Immigrant groups also face some discrimination in housing and employment. These groups, concentrated in the larger cities, suffer from a high rate of unemployment. The Government has worked for several years with employers' groups and unions to reduce minority unemployment levels to the national average.

The 1998 Act on the Stimulation of Labor Participation by Ethnic Minorities is intended to increase job opportunities for ethnic minorities. It requires employers with a work force of over 35 persons to register their non-Dutch employees. Employers are to strive for a composition of their work force that reflects the regional working population. They must submit their annual social action plans, including recruitment targets, to the regional labor bureaus. The Labor Inspectorate oversees implementation of the law. Despite these efforts, unemployment among ethnic minorities is still about four times higher than within the ethnically Dutch workforce. In May the U.N. Committee on the Elimination of Racial Discrimination criticized the Government for not doing enough to prevent discrimination in hiring. It recommended that the Government take steps to reduce segregation in schools and create a police force whose composition reflects the entire population.

A campaign beginning in April, in which several ministries, government job centers, and the Dutch small business association pledged to find jobs for some 20,000 persons from ethnic minorities before May 2001, had succeeded in recruiting just 240 persons by the end of August.

With the proliferation of Internet web sites, the dissemination of racial and discriminatory material on Internet has also increased. The privately run Discrimination on the Internet Registration Center received 181 complaints in 1999 about 360 controversial statements, subdivided by category as follows: Racism 147, anti-Semitism 91, denial of the Holocaust 21, sexual preference 46, religion 15, discrimination against asylum seekers 12, incitement to violence 6, and "other" 19. It also investigates web sites and home pages on its own. Over 70 percent of the statements are

removed voluntarily at the Center's request. In 2 cases in 1999, the Center requested that criminal proceedings be initiated; such a request was still under review in 18 other cases; and another 25 cases were being prepared. Four cases were passed on to the Government's antidiscrimination office for action.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Membership in labor unions is open to all workers including armed forces personnel, the police, and civil service employees. Workers are entitled to form or join unions of their own choosing without prior government authorization, and unions are free to affiliate with national trade union federations. This right is exercised freely.

Unions are free of control by the Government and political parties. Union members may and do participate in political activities.

All workers have the right to strike, except for most civil servants who have other institutionalized means of protection and redress. Industrial relations are very harmonious, and strikes are infrequent. In 1999 some 75 labor days per 1,000 workers were lost, mostly over union demands for higher pay and a 36-hour workweek. By law retribution against striking workers is prohibited.

About 28 percent of the work force is unionized, but union-negotiated collective bargaining agreements usually are extended to cover about three-quarters of the work force. The white-collar unions' membership is the fastest growing.

The three union federations are active internationally, without restriction.

*b. The Right to Organize and Bargain Collectively.*—The right to organize and bargain collectively is recognized and well established. Discrimination against workers because of union membership is illegal and does not occur.

Collective bargaining agreements are negotiated in the framework of the "Social Partnership" developed between trade unions and private employers. Representatives of the main union federations, employers' organizations, and the Government meet each autumn to discuss labor issues, including wage levels and their relation to the state of the economy and to international competition. The discussions lead to a central accord with social as well as economic goals for the coming year. Under this umbrella agreement, unions and employers in various sectors negotiate sectoral agreements, which the Government usually extends to all companies in the sector.

Antiunion discrimination is prohibited. Union federations and employers' organizations are represented, along with independent experts, on the Social and Economic Council. The Council is the major advisory board for the Government on policies and legislation regarding national and international social and economic matters.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor, including that performed by children, is prohibited by the Constitution and generally does not occur; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years. Mandatory attendance at school ends at age 16, or after at least 12 years of education. Those still in school at the age of 16 may not work more than 8 hours per week. The law prohibits persons under the age of 18 from working at night, overtime, or in areas dangerous to their physical or mental well-being. Anyone working more than 4.5 hours per day is entitled to a 30-minute break. The laws are enforced effectively by the tripartite Labor Commission, which monitors hiring practices and conducts inspections.

Holiday work and after school jobs are subject to very strict rules, which are set in the Work Time Act, the Child Labor Regulation (for children under age 16), and the Working Conditions Decree. Observance of the rules is overseen by the Social Ministry's Labor Inspection Office. Although child labor is banned, an increasing number of children work for pay during holidays. The parents of such children are to be reported officially by labor inspectors, and the Public Prosecutor may decide to prosecute the parents for violating the ban on child labor. In 1999 the labor inspections showed that one out of four companies violated the regulations applying to holiday work, including by employing children under age 13.

The law prohibits forced and bonded labor by children, and this prohibition is enforced effectively (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The minimum wage for adults is established by law and can be adjusted every 6 months to changes in the cost-of-living index. Over the last few years, the statutory minimum wage has been pegged to the average wage in collective labor contracts. The gross minimum wage is about \$1,000 (2,448 guilders) per month. For workers earning the minimum wage, employers currently pay \$3,750 a year (6,000 guilders) in premiums for social security benefits,

which includes medical insurance. Only 3 percent of workers earn the minimum wage because collective bargaining agreements, which normally are extended across a sector, usually set a minimum wage well above the legislated minimum. The Government, unions, and employers have taken measures to increase the number of minimum wage jobs and to decrease employers' social payments in order to lower the cost of hiring new workers and to create more jobs, especially for the long-term unemployed.

A reduced minimum wage applies to young persons under the age of 23—one of the groups with the highest rate of unemployment—and is intended to provide incentives for their employment. This wage ranges from 34.5 percent of the adult minimum wage for workers 16 years of age to 85 percent for those 22 years of age. The legislated minimum wage and social benefits available to all minimum wage earners provide an adequate standard of living for workers and their families.

Although the law sets a 40-hour workweek, the average workweek for those with full-time jobs is 37<sup>2</sup> hours. This workweek is the result of agreements reached in collective bargaining on shorter workweeks, often in conjunction with more flexible working hours. This combination makes it possible to adapt shorter working hours to the specific situation in a particular business or branch of industry.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, are monitored actively by the tripartite Labor Commission. Enforcement is effective. Workers may refuse to continue working at a hazardous work site. The Ministry of Labor and Social Affairs also monitors standards through its Labor Inspectorate.

*f. Trafficking in Persons.*—The law specifically criminalizes alien smuggling and trafficking in persons, both of which are problems. The maximum sentence for trafficking in persons is 6 years. In cases involving minors, severe physical violence, or organized trafficking, the maximum sentence is 10 years. The maximum sentence for alien smuggling is 8 years.

The Government has an active policy to combat trafficking in persons, including a more aggressive prosecution policy as well as closer international cooperation. A number of police forces have established special units to deal with the problem. The Justice Minister appointed a national rapporteur on trafficking in persons in April. The rapporteur is to study the extent of the problem and report annually to the Government.

The country is a major destination for trafficked women. According to the Justice Ministry, 20,000 to 30,000 persons work in prostitution, about half of them illegal residents from non-EU countries. Many come from Colombia, the Dominican Republic, Eastern Europe, and Nigeria. The Foundation Against Trafficking in Women estimates that each year some 3,000 women and girls are brought into the country for the purpose of prostitution. With the introduction of the new prostitution law, which prohibits the employment of prostitutes in the country illegally, the Government seeks to intensify the fight against criminal organizations trafficking in women and children (see Section 5).

In 1998 a ruling was obtained under the Aliens Law to prevent illegal residents, who may have become victims of trafficking, from being expelled before investigations are completed. Victims are allowed 3 months to consider pressing charges. Victims who do so are allowed to stay in the country until the judicial process is completed. During this period, victims receive legal, financial, and psychological assistance. In special circumstances, residence permits are granted on humanitarian grounds. After completion of the judicial process, illegal prostitutes returning to their native countries are eligible for temporary financial assistance.

African women, in particular those from Nigeria, make up a sizeable portion of foreign women illegally working as prostitutes. According to the authorities, the most widely used ploy for trafficking African women is the fraudulent use of special asylum procedures for minors, who are virtually ensured entry. Although most such women are not actually under age 18, all claim to be. Once at the open-door asylum center, they remain for a few days and then disappear, only to turn up later as prostitutes in the country or elsewhere in Europe. Most such young African women are under extreme pressure to work as prostitutes. According to the *Terre des Hommes* organization, their families have signed contracts with trafficking organizations, often sanctioned by "voodoo" priests. The girls strongly believe in the magical power of voodoo.

A Dutch study of prostitutes from Central and Eastern Europe shows that five out of six, "liberated" from trafficking organizations in the Netherlands, knew exactly that they were to be employed in the sex industry when they accepted the offer of their recruiters. Some 40 percent already had worked as prostitutes in their native country. The study concluded that most such women came to the Netherlands

voluntarily, and only after their arrival, did they become victims of their traffickers. They are often treated as slaves: intimidated, threatened, and locked up.

## NORWAY

Norway is a parliamentary democracy and constitutional monarchy with King Harald V as the Head of State. It is governed by a prime minister, cabinet, and a 165-seat Storting (Parliament) that is elected every 4 years and cannot be dissolved. The judiciary is independent.

The national police have primary responsibility for internal security, but in times of crisis, such as internal disorder or natural catastrophe, the police may call on the armed forces for assistance. In such circumstances, the armed forces are always under police authority. The civilian authorities maintain effective control of the security forces.

Norway is an advanced industrial state with a mixed economy combining private and public ownership that provides a high standard of living for residents. The key industries are oil and gas, metals, engineering, shipbuilding, fishing, and manufacturing (including fish processing equipment). The leading exports are oil and gas, manufactured goods, fish, and metals. During the year, 80.6 percent of workers were in the service sector (including public service), and 13.3 percent were in the manufacturing sector.

The Government generally respected the rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Violence against women and abuse of children are problems.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that officials employed them.

The Government in the past has been criticized for its practice of indefinite detention, often in solitary confinement with restricted communications, for suspects during the investigation of criminal cases (most recently in September 1999 by the Council of Europe's Committee for the Prevention of Torture). Restrictions were used sometimes to pressure prisoners to be more cooperative during investigations. In response to international criticism, the Government was reevaluating its practices and by year's end had made some changes. In September the Government tightened the requirements for restricting prisoners' communications and visitation rights. In June two working groups commissioned by the Ministry of Justice presented their recommendations for a more comprehensive reform of the practice. The reports will form the basis for a white paper, which is expected to be presented to the Parliament in 2001. Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The court system consists of the Supreme Court, the Supreme Court Appellate Court (committee), superior courts, county courts for criminal cases, magistrate courts for civil cases, and claims courts. Special courts include the Impeachment Court (composed of parliamentarians), the labor court, trusteeship courts, fishery courts, and land ownership severance courts.

All courts, some of which date to laws passed in the 11th century, meet internationally accepted standards for fair trials, including providing counsel to the indigent. The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Both the Constitution and the law prohibit such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of the press, and the Government respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for these rights, and the Government generally respects them in practice.

In August a small, previously unknown neo-Nazi group was denied permission to stage a Rudolf Hess commemorative march in downtown Oslo; the group then staged an illegal march in the nearby town of Askim; a counter demonstration by 15,000 persons took place in Oslo on August 19.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice.

The state church is the Evangelical Lutheran Church of Norway, which is supported financially by the State, and to which 93 percent of the population nominally belong. The Constitution requires that the King and one-half of the Cabinet belong to this church. The relationship between church and State is increasingly debated by the public. The Workers' Protection and Working Environment Act permits prospective employers to ask applicants for employment in private or religious schools, or in day care centers, whether they respect Christian beliefs and principles.

In July 1998, the Government suspended two priests in the Church of Norway and asked the courts for approval legally to terminate their priesthood due to insubordination and disloyalty. The priests openly refused to accept religious and spiritual guidance from their bishop, with whom they were in disagreement on a number of social issues (such as gay rights). In January 2000, the Alta district court ruled that the priests' employment could not be terminated legally. Upon taking office in March, the new Labor Party Government appealed the ruling to a higher regional court, which had not ruled by year's end.

Other denominations operate freely. A religious community is required to register with the Government only if it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership. In 1995 the Parliament introduced the subject "religious knowledge and education in ethics" into the national school system. The class teaches the ethical values of Christianity, as well as Christian beliefs and the main features of Christianity. All children must attend this mandatory class; there are no exceptions for children of other faiths. Organizations for atheists as well as Muslim communities have contested the legality of forced religious teaching, but the Oslo city court twice has ruled against their arguments. The case was being tried in a regional appellate court. Because of its potential for setting a precedent, the case is expected to go ultimately to the Supreme Court. Workers belonging to minority denominations are allowed leave for their religious holidays.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government grants refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

During the year, the Government granted protective residency to 8,231 persons. The total included: Political asylum for 97 persons; temporary collective residency permits for 2,019 Iraqi Kurds; individual residency permits for 2,856 persons; and asylum as U.N. quota refugees for 1,485 persons. Immigration authorities rejected 4,899 applications for protective residency. In addition 1,778 persons received residency status through a family reunification program.

The collective 1-year residency permits that were granted to Kosovar Albanians in 1999 expired in August 2000, and all members of this group were encouraged to return to Kosovo voluntarily. The Government gives financial aid for repatriation to all Kosovar Albanians who do so. Of almost 8,000 Kosovar Albanians who sought refuge in Norway during and after NATO's campaign in Kosovo, 1,500 returned voluntarily in 2000 (3,600 returned voluntarily in 1999). Of those who had previously gone back to Kosovo, 1,063 came back to Norway once again in 2000. When the collective residency permits expired, the Kosovar Albanians could apply for individual permits—and most did. By year's end, most had been rejected. However, in October all Kosovar Albanian families with small children were granted so-called postponed implementation of deportation until after March 1, 2001. The decision was based on complaints made by the UNHCR and other onsite U.N. agencies in October 2000 that Kosovo could not handle a major influx of returning refugees before the winter.

However, as the March 1 extension deadline passes, a mass repatriation of Kosovar Albanians is expected in the spring and summer of 2001.

There were no reports of the forced expulsion of persons with a valid claim to refugee status or of persons being forcibly returned to countries where they feared persecution.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The law provides citizens with the right to change their Government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women are increasingly well represented at all levels of government. However, no restrictions in law or practice hinder their participation. Women lead 8 of the 18 government ministries. They hold 60 of the 165 seats in Parliament (36.4 percent), chair 5 of 12 standing committees in Parliament, and lead 2 of the 6 main political parties. A woman heads the Parliament.

In addition to participating freely in the national political process, in 1997 Norwegian Sami (formerly known as Lapps) elected their own constituent assembly, the Sameting, for the third time. Under the law establishing the 39-seat body, the Sameting is a consultative group which meets regularly to deal with "all matters which in [its] opinion are of special importance to the Sami people." In practice the Sameting has been most interested in protecting the group's language and cultural rights and in influencing decisions on resources and lands where Sami are a majority.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

When the new Labor Government took office in March, the Prime Minister transferred the human rights portfolio from the Ministry of Development, Cooperation, and Human Rights to the Ministry of Foreign Affairs. The new Government reversed the previous government's decision to appoint a minister for human rights issues. In 1999 the previous government presented a white paper to the Parliament on human rights, which addresses how the country can improve the state of human rights both domestically and internationally. On November 2, 2000, the Parliament's committee on foreign affairs supported the previous government's proposal and stressed the importance of incorporating human rights into law and society in general. The white paper was debated and passed in Parliament on November 14. It then was sent back to the respective ministries for implementation.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status, and the Government enforces this prohibition in practice.

*Women.*—Violence against women is a problem. Public and private organizations run several shelters that give battered women an alternative to returning to a violent domestic situation. In 1999 the country's 14 shelters registered 9,183 overnight stays. In addition 967 other women contacted the shelters for advice or counseling. During the year, 555 rapes were reported, along with 126 attempted rapes. The police believe that increases in reported rapes and domestic abuse in recent years have been largely due to greater willingness among women to report these crimes. The police vigorously investigate and prosecute such crimes. They also instituted special programs to prevent rape and domestic violence and to counsel victims.

The rights of women are protected under the 1978 Equal Rights Law and other regulations. According to that law, "women and men engaged in the same activity shall have equal wages for work of equal value." However, the equal rights ombudsman's office, which monitors enforcement of the law, confirms that women generally receive 10 to 15 percent less pay and benefits than men for work of "equal value."

The equal rights ombudsman processes complaints of sexual discrimination. In 1999 there were 254 written complaints and 393 telephone inquiries to the ombudsman. Women filed 40 percent of the complaints, men 28 percent, organizations 23 percent, and the remainder were filed by the ombudsman's office. The increase in men filing complaints is related to an increase in postdivorce child custody cases.

In 1995 the Parliament adopted a harassment amendment to the Working Environment Act, which states that "employees shall not be subjected to harassment or other unseemly behavior." Employers who violate these provisions, including the

harassment clause, are subject to fines or prison sentences of up to 2 years, depending on the seriousness of the offense.

*Children.*—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of education and medical care. The Government provides education for children through the postsecondary level. There is no difference in the treatment of girls and boys in education or health care services. An independent Children's Ombudsman Office, within the Ministry of Children and Families, assures the protection of children in law and in practice.

Abuse of children is a problem. A total of 191 sexual assaults on children by non-family members were reported, along with 96 such assaults by family members. The latter is a substantial decrease from the 153 cases reported in 1999. Children's rights advocates have expressed concern that authorities may have found investigation of these crimes so difficult that they have not pursued investigations in some legitimate cases. The Government is examining this problem. In 1999 welfare services assisted 23,800 abused or neglected children (2.1 percent of children under 18). Of these, 4,950 received assistance in the home (such as financial assistance, guidance and support for parents, or temporary stays at respite homes).

*People with Disabilities.*—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law mandates access to public buildings for people with disabilities, and the Government enforces these provisions in practice.

*Indigenous People.*—Apart from a tiny Finnish population in the northeast, the indigenous Sami constituted the only significant minority group until the influx of immigrants during the 1970's. In recent years, the Government has taken steps to protect Sami cultural rights by providing Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for newspapers and books oriented toward the Sami. In a rare political statement in October 1999 at the opening of the third Sami Parliament, King Harald V publicly apologized to the Sami people for repression under Norwegian rule. In 1997 the Government created the position of Deputy Minister in the Ministry of Local Government and Regional Affairs to deal specifically with Sami issues. When the Labor Party Government took office in March, new State Secretary Steinar Pedersen—of Sami origin like his predecessor—took over responsibility for coordinating government policies for the Sami minority.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the right to associate freely and to strike. The Government changed the wage negotiating process in 1996, shifting negotiations from the national to the local and company level. During the year, almost 100,000 workers in the private and public sectors went on strike, an 80-year high. The strikes were settled mainly through negotiations, although compulsory arbitration was used to settle a 2-week oil workers' strike. The strikers achieved the largest wage settlement in many years and also obtained a fifth week of annual leave.

The Government has the right, with the approval of the Parliament, to invoke compulsory arbitration under certain circumstances. The Government came under increasing criticism in 1995 for resorting to compulsory arbitration too quickly during strikes. In addition this procedure, which was also invoked several times in the 1980's, particularly in the oil industry, was criticized repeatedly by the Committee of Experts of the International Labor Organization, which argued that the situations were not a sufficient threat to public health and safety to justify invoking compulsory arbitration. The Supreme Court is reviewing a case that will allow it to rule on whether the national process in this regard violates the country's international commitments.

After the 1998 wage negotiations, the Government appointed a committee with representatives from all employer organizations and employee unions to look at the present practice of using compulsory arbitration in especially difficult labor conflicts. Its mandate is to provide a new system for handling labor conflicts and wage negotiations, and avoid situations in future labor conflicts that could lead to the use of compulsory arbitration. The committee is expected to present its proposal by April 1, 2001. The Ministry of Regional Affairs takes the position that it is not the legislation itself that needs to be amended, but the way in which this legislation is interpreted by the parties in labor conflicts and implemented by the Government.

With membership totaling about 60 percent of the work force, unions play an important role in political and economic life, and the Government consults them on important economic and social problems. Although the largest trade union federation is associated with the Labor Party, all unions and labor federations are free of party and government control.

Unions are free to form federations and to affiliate internationally. They maintain strong ties with such international bodies as the International Confederation of Free Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—All workers, including government employees and military personnel, exercise the right to organize and bargain collectively. Collective bargaining is widespread, with most wage earners covered by negotiated settlements, either directly or through understandings that extend the contract terms to workers outside the main labor federation and the employers' bargaining group. Any complaint of antiunion discrimination would be dealt with by the Labor Court, but there have been no complaints in recent years.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Compulsory labor is prohibited by law and does not exist. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred. The Directorate of Labor Inspections (DLI) ensures compliance and is effective. Domestic, children, or foreign workers are not required to remain in situations amounting to coerced or bonded labor.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Children 13 to 18 years of age may be employed part time in light work that will not affect adversely their health, development, or schooling. Minimum age rules are observed in practice and enforced by the DLI. Education is compulsory for 9 years. School is mandatory through the ninth grade; most children stay in school at least until the age of 18. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor in December.

*e. Acceptable Conditions of Work.*—Normal working hours are mandated by law and limited to 37.5 hours per week. The law also provides for 25 working days of paid leave per year (31 days for those over age 60). A 28-hour rest period is mandated legally on weekends and holidays. There is no specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and the Government. Average income, not including extensive social benefits, is adequate to provide a worker and family with a decent living.

The 1977 Workers' Protection and Working Environment Act provides for safe and physically acceptable working conditions for all employed persons. Specific standards are set by the DLI in consultation with nongovernmental experts. According to the act, environment committees composed of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health. The DLI ensures effective compliance with labor legislation and standards.

*f. Trafficking in Persons.*—No law specifically criminalizes trafficking in persons, but existing labor and immigration statutes may be used in such cases.

Norway is becoming a destination country for trafficked women, according to an OSCE report.

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## POLAND

Poland is a parliamentary democracy based on a multiparty political system. Free and fair presidential elections were held in October, resulting in the re-election of President Aleksander Kwasniewski. Executive power is shared by the Prime Minister, the Council of Ministers, and to a lesser extent, the President. The Parliament is bicameral (Senate and Sejm). The Government formed after free and fair elections in 1997 was a two-party coalition composed of the center-right Solidarity Electoral Action (AWS) party anchored by the Solidarity Labor Union and the Centrist Freedom Union (UW), also with origins in Solidarity. The majority government dissolved in June when UW withdrew and five of its ministers resigned; AWS is now a minority government. Parliamentary elections are next scheduled for fall 2001. The judiciary is independent but inefficient.

Internal security forces and the armed forces are subject to effective civilian control by the Government. Since 1996 the civilian Minister of Defense has had clear command and control authority over the military chief of the general staff as well as oversight of military intelligence. Civilian control was reinforced further by a restructuring of the Ministry of Defense and general staff undertaken as part of the country's entry into NATO in April.

After several years of strong growth in the mid-1990's, the economy slowed starting in 1998 as a result of the Russian financial crisis and economic slowdown in the country's largest export markets in Europe. Gross domestic product (GDP)



growth dropped to 4.1 percent in 1999 and stayed at this level in 2000. After dropping steadily through the last decade, inflation began increasing again in 1999, climbing as high as 11.7 percent in the summer but dropping to 8.5 percent in December 2000. The ongoing process of restructuring, and increasing numbers of youths entering the labor force, have increased unemployment in recent years. The official unemployment rate was 15 percent at year's end. Since 1989 most small- and medium-sized state-owned enterprises have been privatized, and the Government has launched privatizations of major state-owned enterprises such as insurance, telephone, airline, power generation, petroleum refining, steel, coal, and banks. Significant reforms are underway in other areas as well, including pensions, health, decentralization of government, and education. Still to be addressed are the agriculture sector, a major part of the economy (employing more than 25 percent of the labor force), and lagging development in rural areas.

The Government generally respects the human rights of its citizens; however, problems remain in some areas. Prison conditions are generally poor. A cumbersome legal process, poor administration, and an inadequate budget hamper the court system. Lengthy pretrial detention occurs occasionally. Court decisions frequently are not implemented, particularly those of the administrative courts, and simple civil cases can take as long as 2 or 3 years. As a result, public confidence in the judicial system is low. Many poorly paid prosecutors and judges have left public service for more lucrative employment. The threat of organized crime has provoked legislative responses that raise questions regarding the right to privacy. The Government maintains a large number of wiretaps without judicial review.

There are some marginal restrictions in law and in practice on freedom of speech and of the press. With few exceptions, the Criminal Code provides protection for journalists' sources. Spousal abuse continues to affect many women. Women continue to experience serious discrimination in the labor market and are subject to various legal inequities as a consequence of paternalistic laws. Child prostitution is a problem. There were incidents of desecration of graves in both Jewish and Catholic cemeteries and anti-Semitic graffiti on Jewish buildings. The Government has worked constructively toward resolving issues of concern to the Jewish community. There is some societal discrimination and violence against ethnic minorities. Although the right to organize unions and bargain collectively largely was observed, some employers violated worker rights provided for by law, particularly in the growing private sector. Trafficking in women and children in, to, and from the country is a problem.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political killings.

In January 1998, a police officer was charged with the beating death of 13-year-old Przemek Czaja following a basketball game in the Baltic coast city of Slupsk. The officer was sentenced in May 1999 to 6 years in prison. In December 1999, the appeals court increased the sentence to 8 years. The defendant has lodged an appeal to the Supreme Court. At year's end, the defendant was still free on appeal. On March 7, the District Court in Koszalin decided that the defendant should be examined by psychiatrists from the Szczecin Medical Academy.

A police officer indicted in connection with the shooting deaths of two unarmed civilians and the wounding of another in Brodno, a suburb of Warsaw, was sentenced in December 1999 to 7 years in prison. His appeal was pending at year's end.

On October 30, the Lublin Appeals Court sentenced the former Lomaz police chief to 4.5 years in prison (originally he was sentenced to 15 years in 1998, but he appealed the decision). The October verdict is final.

Trials related to extrajudicial killings during the Communist period continued in 1999. A new trial began in a Katowice appeals court in October 1999 in the case of 22 riot policemen accused of killing miners during the Communist martial law era after a 1998 appeals court decision annulled their acquittals. In September 1999, the decision of a district court was upheld in the case of the appeal of two officers convicted in 1997 of the 1983 Communist era beating death of Grzegorz Przytyk.

One officer was sentenced to 2 years in prison for participating in the beating, and the other officer was found not guilty of attempting to destroy the file in the case. In November 1999, the Supreme Court ordered a new trial for former Communist leader Wojciech Jaruzelski and nine other officials who allegedly ordered police to shoot workers during the 1970 riots in Gdansk. The Court ruled that the trial that began in the Gdansk provincial court should be started over in the Warsaw

district court. No new trial date was set. In December 1999, lawyers representing miners submitted a motion requesting the retrial of former Communist Interior Minister Czeslaw Kiszczak for his role in the pacification of the Wujek mine, but a Katowice district court did not rule on the motion by year's end. In December 1999, the Warsaw regional court ruled that Kiszczak's health made it possible for him (although to a limited degree) to face the court and thus rejected a defense motion to suspend his trial because of poor health. Kiszczak appealed; the trial was still pending at year's end.

On October 30, the retrial began in Warsaw of General Wladyslaw Ciaston, one of the two former Communist Security Services (SB) generals accused (and acquitted in 1994) of having directed the 1984 murder of Father Jerzy Popieluszko. Popieluszko upset the Communist regime during martial law for openly supporting the cause of the then-outlawed Solidarity trade unions in his sermons. He was tortured to death in October 1984 by the secret police at the time and became a martyr and the "patron saint" of Solidarity. In March 1996, the appeal court ordered a retrial. The other accused general was excused from the trial in January of this year for health reasons.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Criminal Code prohibits torture, and there were no reported incidents of it. Unlike in the previous year, there were no reports of police using force to disperse violent protestors or to break up illegal roadblocks.

In June 1998, a Gdansk court indicted 11 riot policemen for their participation in the October 1997 beating of soccer fans attending a match in the town of Gdynia. The officers' activities, which took place before, during, and after the match, both at the stadium and at a nearby bar, were captured on videotape. A civil case against the officers, launched by the father of one of the teenage victims, also was pending. Both civil and criminal cases stemming from the incident were pending at year's end. The civil case against the officers ended during the year; it was suspended pending resolution of the criminal case. Public television was fined \$2,400 (10,000 PLN) and the private television station TVN \$1,200 (5,000 PLN) for airing tapes of the incident. Both stations also must apologize to the victim on their main news programs. Initially the court acquitted the police officers but the prosecutor appealed; the criminal case was still pending at year's end.

Prison conditions are still generally poor, according to reports by nongovernmental organizations (NGO's); overcrowding, damp cells, and a lack of medical treatment are the chief problems. According to a July 1998 report by the National Penitentiary Authority, the prison system is in urgent need of additional funding. Of 156 detention facilities, 100 require considerable renovation. At the same time, the National Penitentiary Authority's annual budget continued to fall; it has declined by approximately 34 percent since 1991. The Ombudsman for Human Rights complained about the safety of prisoners, noting that inmates are often the victims of violent attacks by other prisoners. Civil litigation against the prison administration in the 1996 case of an 18-year-old mentally retarded boy who was beaten and sodomized by fellow inmates was considered by the Bydgoszcz district court in February; the case was still pending at year's end. The Ombudsman also suggested in 1999 that the prison population be reduced, including by decriminalizing certain offenses, pointing out that the ratio of prisoners to rehabilitation officers is very poor.

The Government permits human rights monitors to visit prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the Government observes this prohibition. Courts rather than prosecutors issue arrest warrants. The law allows a 48-hour detention period before authorities are required to bring a defendant before a court and an additional 24 hours for the court to decide whether to issue a pretrial detention order. During this period, access to a lawyer normally is limited. Once a prosecutor presents the legal basis for a formal investigation, the law provides for access to counsel. Detainees may be held in pretrial detention for up to 3 months and may challenge the legality of an arrest through appeal to the district court. A court may extend this pretrial confinement period every 3 months for up to 18 months until the trial date. Total time of temporary arrest until the first sentence rendered by the court of lower instance cannot be more than 2 years. However, under certain circumstances, the 2-year period may be extended further by the Supreme Court. Bail is available, and most detainees are released on bail pending trial.

The Government does not employ forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. However, the judiciary remains inefficient and lacks resources and public confidence.

The Government continues to restructure the court system in order to streamline and accelerate the legal process. At present there is a four-tiered court and prosecutorial structure. The courts consist of regional, provincial, and appellate divisions, as well as a Supreme Court. These tiers are subdivided further into five parts: Military, civil, criminal, labor, and family. Regional courts are courts of first instance, while appellate courts are charged solely with appeals. Provincial courts have a dual responsibility, handling appeals from regional courts while enjoying original jurisdiction for the most serious types of offenses. Appellate courts handle appeals tried at the provincial level, and the Supreme Court only handles appeals about questions of law. The prosecutorial system mirrors the court structure with national, provincial, appellate, and regional offices.

Judges are nominated by the national judicial council and appointed by the President. They are appointed for life and can be reassigned but not dismissed, except by a court decision. The Constitutional Tribunal rules on the constitutionality of legislation. In October 1999, Constitutional Tribunal decisions became final and binding, after a 2-year interim period following the entry into force of the new Constitution during which a two-thirds majority in the Sejm could overrule its decisions.

The court system is cumbersome, poorly administered, overstaffed, and underfunded. There are numerous inefficiencies, most notably the fact that many districts have more criminal judges than prosecutors. These factors contribute to a lack of public confidence. Many effective judges and prosecutors have left public service for the more lucrative private sector. Court decisions frequently are not implemented. Bailiffs normally ensure the execution of civil verdicts such as damage payments and evictions. However, according to some observers, they are underpaid, subject to intimidation and bribery, and have a mixed record of implementing court decisions. Civil and administrative rulings against public institutions such as hospitals often cannot be enforced due to a lack of funds. Simple civil cases can take as long as 2 to 3 years before resolution, and the pretrial waiting time in criminal cases can be several months. The backlog and the costs of legal action appear to deter many citizens from using the justice system at all, particularly in civil matters such as divorce. The long wait for routine court decisions in commercial matters is an incentive for bribery and corruption.

All defendants are presumed innocent until proven guilty. At the end of a trial, the court renders its decision orally and then has 7 days to prepare a written decision. A defendant has the right to appeal within 14 days of the written decision. Appeals may be made on the basis of new evidence or procedural irregularities.

Criminal cases are tried in regional and provincial courts by a panel consisting of a professional judge and two lay assessors. The seriousness of the offense determines which is the court of first instance. Once formal charges are filed, the defendant is allowed to study the charges and consult with an attorney, who is provided at public expense if necessary. Once the defendant is prepared, a trial date is set. Defendants are required to be present during trial and may present evidence and confront witnesses in their own defense. Since 1995 prosecutors have had the authority to grant witnesses anonymity at trial if they express fear of retribution from the defendant. This law, designed to help combat organized crime, impairs defendants' right to confront their accusers. In 1996 reforms were made that provide for a two-level appeal process in most civil and criminal matters; previously, citizens enjoyed access only to a one-step appeal process.

Trials are normally public. However, the courts reserve the right to close a trial to the public in some circumstances, such as divorce cases, trials in which state secrets may be disclosed, or cases whose content might offend "public morality." (See Section 1.f.) The courts rarely invoke this prerogative.

The current Criminal Code and Code of Criminal Procedure went into effect in September 1998. However, in March 1998 the European Court of Human Rights (ECHR) unanimously ruled that a provincial appellate court's examination of the verdict in the presence of the prosecutor, but not the defendant or his representative, infringed on the European Convention on Human Rights provisions concerning fair trial. Article 451 of the Code of Criminal Procedure was amended to take account of all implications of the March 1998 ruling of the ECHR. This amendment came into force on September 1.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the right to privacy of correspondence; however, the Government maintains, without judicial review or oversight, a large number of wiretaps. There is no legislation that provides for the general right to privacy. However, a 1998 law prohibits the collection of information about a person's ethnic origin, religious convictions, health condition, political views, or membership in religious, political, or trade union organizations. The law allows for certain exceptions, specifically,

the gathering of information without a person's permission by courts, hospitals, or organizations if the information pertains to their members. All exceptions are subject to some restrictions. A few continuing practices (such as a requirement to fill out "creed" or "nationality" items in some questionnaires) became illegal, effective April 1999. Violators of these provisions are subject to imprisonment for up to 3 years. The Ministry of Justice reports that from March 1998 to September of this year, the office of the prosecutor received 324 notifications of crimes pursuant to Articles 49 to 54 of the 1998 Law on Personal Data Protection. Of those, 304 have been closed; the office declined to prosecute 90 cases; 39 cases were referred to the court; and 170 cases were discontinued by the court. In nine cases, the prosecutor recommended conditional discontinuance. There is no record of a conviction obtained in any case.

In response to the growing threat of organized crime and money laundering, Parliament permitted the police and intelligence services to monitor private correspondence and to use wiretaps and electronic monitoring devices in cases involving serious crimes, narcotics, money laundering, or illegal firearms sales. Under the Criminal Code, the Minister of Justice and the Minister of Interior, both political appointees, must authorize these investigative methods. In emergency cases, the police may initiate an investigation that utilizes wiretaps or the opening of private correspondence at the same time that they seek permission from the ministers. Estimates on the number of wiretapping devices installed annually at the request of the police vary widely; however, a high-ranking public prosecutor in 1998 put the number at 4,000. After interventions by the Human Rights Ombudsman, the Prosecutor General curtailed the number of warrants for wiretapping. Levels are reportedly back at pre-1998 levels, over 4,000.

Parliamentarians and human rights groups expressed concern about the lack of control over this type of surveillance. There is no independent judicial review of surveillance activities, nor is there any control over how the information derived from investigations is used. A growing number of agencies have access to wiretap information, and the Police Code allows electronic surveillance to be used for the prevention of crime as well as for investigative purposes. As is the case under the Criminal Code, police must obtain permission from the Ministers of Justice and Interior before initiating wiretap procedures.

The law forbids arbitrary forced entry into homes. Search warrants issued by a prosecutor are required in order to enter private residences. In emergency cases, when a prosecutor is not immediately available, police may enter a residence with the approval of the local police commander. In the most urgent cases, in which there is no time to consult with the police commander, police may enter a private residence after showing their official identification. There were no reports that police abused search warrant procedures.

A law on "lustration" or vetting went into effect in November 1998. The law, designed to expose government officials who collaborated with the Communist-era secret police, bans from office for 10 years those caught lying about their past. The law requires officials to provide sworn affidavits concerning their possible cooperation with the secret police; the public interest spokesman (lustration prosecutor) then verifies the affidavits and brings suspected cases of misrepresentation before the lustration court, a special three-judge panel whose decisions may be appealed. Several high-profile cases came before the court during the year, including that of a Deputy Defense Minister who was judged to have lied in his affidavit; the case is currently on appeal. Many of these cases are closed to the public because they involve classified documents. In accordance with the presidential election law, all candidates for the October presidential elections were vetted in August; after some controversy surrounding the lustration of President Kwasniewski and former president Walesa, all passed muster. Critics continue to voice concern that the procedures may be unfair, in view of the likelihood that secret police records were subject to loss or tampering. In June Parliament agreed on a chairman for the Institute of National Remembrance, creation of which the lustration law mandated in order to organize all communist-era secret police files and eventually give citizens access to information in files compiled on them.

In June 1998, the Constitutional Tribunal ruled unconstitutional a 1997 draft law envisioning the possible removal from service of judges proven to have violated judicial independence by issuing unjust verdicts between 1944 and 1989 at the request of the Communist authorities. Disciplinary proceedings against the judges in question were to be initiated by the Minister of Justice, the presidents of the appellate or regional courts, the National Judiciary Council, or individuals who felt wronged by court verdicts. In December 1998, the Sejm addressed the issue and adopted amendments to the law requiring that procedures against accused judges be initiated before December 31, 2002. The law went into effect in January 1999. According

to the National Judiciary Council, at the end of the year, 10 cases had been filed against 13 judges.

Men are not permitted to marry without parental permission until the age of 21, whereas women may marry at the age of 18 (see Section 5).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and the press, and the Government respects these rights; however, there are some marginal restrictions in law and practice. Nonetheless, the press is vigorous and independent.

The Criminal Code states that an individual who “publicly insults or humiliates a constitutional institution of the Republic of Poland” is subject to a fine or imprisonment of up to 2 years, while an individual who insults a public functionary is subject to a fine or imprisonment of up to 1 year. In December 1999, the trial began in Elblag in the case of Andrzej Lepper, who was accused of insulting Prime Minister Jerzy Buzek and state officials in January 1999; the case was still pending at year’s end. Prosecutors charge that during a road blockade in Nowy Dwor Gdanski, Lepper called Buzek’s cabinet a “government of national betrayal, a government of dilettantes, traitors to Poland.” He is said to have called the Prime Minister and another political leader “bandits and criminals.” In May the Warsaw district court ruled that the daily newspaper “Zycie” must apologize to President Aleksander Kwasniewski for publishing untrue information suggesting that the President had contacts with Russian spies. However, the court rejected the President’s demand that Zycie pay \$0.6 million (2.5 million PLN) in damages in favor of flood victims. The President said he would not appeal the verdict, while Zycie said that it would. This provision of the Criminal Code also can be used by individual citizens and businesses “to protect their good name.” In March 1998, Network Twenty One, which sells Amway products, and seven of its employees used the provision to prevent the broadcast, showing, or copying of a 1-hour documentary critical of the company and its practices. The documentary had not been shown by year’s end.

The case against talk show host Wojciech Cejrowski, charged with publicly insulting President Kwasniewski, was decided against the defendant in April 1998; it since has been appealed and still was pending decision at year’s end. Also pending was a 1995 case against presidential candidate Leszek Bubel for violating a section of the Penal Code that prohibits acts that “publicly insult, ridicule, and deride the Polish nation, the Polish Republic, its political system, or its principal organs.” Bubel had claimed publicly that a former head of the Presidential Chancellery protected a group of criminals.

There was no progress during the year in the ongoing investigation into the case of Mikolaj Siwicki for publishing an allegedly hate-mongering book that could damage the nation’s interests.

The Criminal Code also stipulates that offending religious sentiment through public speech is punishable by a fine or a 3-year prison term. In 1995 a provincial court charged presidential candidate Leszek Bubel with violating this article by publishing a pamphlet containing anti-Semitic “humor.” A verdict on the case was still pending at year’s end.

In July 1999, the Warsaw district court revoked the 1998 decision of prosecutors not to start proceedings against the leftist newspaper Trybuna for insulting Pope John Paul II in one of its articles. In 1997 Tadeusz Rydzyk and AllPolish Youth director Roman Giertych, both acting on behalf of the Council for the Coordination of the Defense of the Dignity of Poland and Poles, originally filed charges against Trybuna for its alleged insults of the Pope. In April 1998, the Warsaw prosecutor’s office decided to drop the case; subsequently, some 1,500 persons appealed to the Warsaw district court to reopen. In the wake of the lost lawsuit, Trybuna had to apologize twice for publishing the article. A separate suit against the author was ended when he died, but it appears that the Prosecutor’s Office may charge the then editor-in-chief of the paper for having allowed the article to go to press. At least one civil suit related to the Trybuna case was still pending at year’s end.

The State Secrets Act allows for the prosecution of citizens who publish or otherwise betray state secrets. Human rights groups criticize this law, since it restricts the right of free speech of private citizens.

The Criminal Code regulates the protection of journalistic sources. The code grants news sources absolute protection, except in cases involving national security, murder, and terrorist acts. Pursuant to the law, statutory provisions are applied retroactively if their terms are beneficial to the accused. Journalists who refused to divulge sources prior to the new code’s enactment also can avoid sanctions by invoking “journalistic privilege.”

There is no restriction on the establishment of private newspapers or distribution of journals; private newspapers and magazines flourish. There was no progress in the ongoing privatization of RUCH, a national network of newspaper kiosks.

The national radio and television broadcasting council (KRRiTV) has broad powers in monitoring and regulating programming on radio and television, allocating broadcasting frequencies and licenses, and apportioning subscription revenues to public media.

In order to encourage the KRRiTV's apolitical character, the nine KRRiTV members are obliged legally to suspend any membership in political parties or public associations. However, they are chosen for their political allegiances and nominated by the Sejm, the Senate, and the President following political bargaining, thus raising potentially serious questions about the independence of broadcasting oversight from political influence.

The broadcasting law stipulates that programs should not promote activities that are illegal or against state policy, morality, or the common good. The law, whose constitutionality has been confirmed by the Constitutional Tribunal, requires that all broadcasts "respect the religious feelings of the audiences and in particular respect the Christian system of values." This provision has never been used as a means of censorship, although the restrictions theoretically could be used as such.

Private television broadcasters operate on frequencies selected by the Ministry of Communications and auctioned by the KRRiTV. Private radio flourishes on the local, regional, and national levels alongside public radio.

The Government owns 2 of the 3 most widely-viewed television channels and 17 regional stations, as well as 5 national radio networks. PAP, the national wire service, was privatized partially in 1997, and a five-member supervisory board is preparing the service for full privatization. However, there was no progress at year's end. Although public television remains a major source of news and information, private broadcast television, satellite, and private cable services (domestic and foreign) are available across most of the country. Cable services, available in all major cities, carry the main public channels, two nationwide private networks (Polsat and TVN), as well as local and regional stations and a variety of foreign offerings.

The law on radio and television requires public television to provide direct media access to the main state institutions, including the presidency, "to make presentations or explanations of public policy." The President and the Prime Minister have complained occasionally of the other's abuse of the access privilege. Both public and private radio and television provide coverage of all ranges of political opinion.

Books expressing a wide range of political and social viewpoints are widely available, as are foreign periodicals and other publications from abroad.

The Internet is widely available and is not regulated.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly, and the Government respects this right in practice. Permits are not necessary for public meetings but are required for public demonstrations; demonstration organizers must obtain these permits from local authorities if the demonstration might block a public road. For large demonstrations, organizers also are required to inform the local police of the time and place of their activities and their planned route. Every gathering must have a chairperson who is required to open the demonstration, preside over it, and close it.

Unlike in 1999, there were no violent clashes between police and demonstrators during the year.

The law provides for freedom of association, and the Government generally respects this right in practice. Private associations need government approval to organize and must register with their district court. The procedure essentially requires the organization to sign a declaration that commits it to abide by the law. However, in practice the procedure is complicated and may be subject to the discretion of the judge in charge.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. Citizens enjoy the freedom to practice any faith they choose. Religious groups may organize, select, and train personnel; solicit and receive contributions; publish; and engage in consultations without government interference. There are 15 religious groups in the country whose relationship with the State is governed by specific legislation and 140 other religious communities. The legislation outlines the internal structure of the religious groups, their activities, and procedures for property restitution. There are no government restrictions on establishing and maintaining places of worship. More than 95 percent of Poles are Roman Catholic, but Eastern Orthodox, Greek Catholic, and much smaller Protestant, Jewish, and Muslim congregations meet freely. Although the Constitution provides for the separation of church and state, a crucifix hangs in

both the upper and lower houses of Parliament. State-run radio broadcasts Catholic mass on Sundays, and the Catholic Church is authorized to relicense radio and television stations to operate on frequencies assigned to the Church, the only body outside the KRRITV allowed to do so.

Religious communities may register with the Government, but they are not required to do so and may function freely without registration. Registration requires that the group have submitted the names of 100 members as well as information regarding the group itself. This information on membership must be confirmed by a notary public, although the registration itself often appears to be a formality. Four new religious communities were registered during the year. All churches and recognized religious groups share the same privileges, such as duty-free importation of office equipment and reduced taxes.

Although the Constitution gives parents the right to bring up their children in compliance with their own religious and philosophical beliefs, religious education classes continue to be taught in the public schools at public expense. While children are supposed to have the choice between religious instruction and ethics, the Ombudsman's office states that in most schools, ethics courses are not offered due to financial constraints. Catholic Church representatives are employed to teach religious classes in the schools. Such classes constitute the vast majority of all religious education classes offered, since the population of the country is approximately 95 percent Catholic. However, parents can request religious classes in any of the religions legally registered, including Protestant, Orthodox, and Jewish. Such non-Catholic religious instruction exists in practice, although it is not common; the Ministry of Education pays the instructors. Priests receive salaries from the state budget for teaching religion in public schools.

In mid-year the Government announced plans to establish by September, a department within the Ministry of Interior to monitor the activities of "new religious groups" and cults; by year's end, the new department had not yet been formed.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Although the Constitution does not address freedom of movement, the Government does not restrict internal or foreign travel. Citizens who leave the country have no trouble returning. There are no restrictions on emigration.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were no reports of the forced repatriation of persons with a valid claim to refugee status. Foreigners recognized as refugees under the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol are granted full refugee status and permission to remain permanently. The Government received 4,519 petitions for refugee status during the year, compared with 2,864 for all of 1999. Including petitions carried over from 1999, 76 have been approved, 2,626 were denied, and 1,206 discontinued or abandoned. The increase from 1999 can be attributed to the marked increase in Chechen refugees. The Government approved 22 Chechens for refugee status prior to August, when they ceased granting approvals for political reasons.

The 1997 Aliens Act addresses immigration issues. Human rights organizations generally view the Aliens Act as positive. The law gives all prospective refugees access to a procedure for adjudicating refugee status and established an independent board to which prospective refugees can appeal negative status decisions by the Ministry of Internal Affairs. Refugee advocates note that the board serves as an impartial and independent adjudicator of appeals. The law does not recognize the concept of first asylum or any other form of temporary protection.

The new Aliens Act would, for the first time, include the category of humanitarian assistance as a reason for re-settling aliens. The Government currently only has categories for asylum seekers and for refugees (for example, those who qualify under the Geneva Convention standards). A new category would be created for those who do not qualify as refugees but who cannot be returned to their countries of origin. Previously the Government had to find creative means of allowing refugees to stay in the country, as the Government did during the Kosovo conflict when they issued 1-year residency permits.

The new Aliens Act would create the Office of Repatriation and Aliens. This office would control the various refugee boards and agencies as well as have some political control over the border guards. The law would also create an expedited system of refugee processing. Aliens would receive an answer to their petition within 2 days. If they were denied, they would be able to appeal to the refugee board, from whom they would receive an answer within 5 days. If their claims were found to be "manifestly unfounded," they would be denied and no further appeal would be available to them. This would represent a significant change from the current system, in which refugees could wait up to 3 months for the first answer and could then appeal all the way to the Supreme Court.

During the year, the Government cooperated with the UNHCR and the Polish NGO Caritas in a program monitoring portions of the country's eastern and western borders from offices in Bialystok and Zgorzelec. The UNHCR reports that the Government has been cooperative as the offices monitor relevant issues such as tracking asylum cases.

The UNHCR reports isolated incidents of the border guards turning away potential refugees, in particular Chechen refugees. In addition UNHCR expressed concern during the year over the fate of unaccompanied children seeking asylum in the country. It urged that procedures and practices concerning the appointment and maintenance of supervisors and guardians for minors be improved.

Many of the problems that the Government faces in dealing with aliens present in the country center around funding. The Government receives significant EU funds for upgrading its refugee processing system, which includes money for such things as fingerprinting equipment and running the refugee centers. However, the Government has very little money available to send aliens who have been denied petitions back to their country of origin (only 20 were returned by air in 1999). Most denied applicants simply receive a letter informing them that their petition has been denied and that they should leave the country. The Government does not have funding to help assimilate those persons who receive permission to permanently reside in the country. The approved petitioners receive funds from various NGO's, but this money covers only basic living needs, and not services such as language training, medical care, or other social benefits.

The country is becoming a destination point for refugees, rather than simply a transit point. The UNHCR reports that significantly fewer persons are abandoning their refugee applications and that fewer persons are leaving the country after receiving status. The National Labor Office also estimates that as many as 200,000 foreigners are working illegally in the country, while the International Organization for Migration (IOM) estimates that some 300,000 irregular migrants are present at any given moment in the country. The IOM also reports that in recent years, 10,000 to 15,000 foreigners annually have been apprehended crossing the border into the country. Most of the illegal residents come from the countries of the former Soviet Union, although an increasingly larger number are coming from Vietnam, Afghanistan, and Sri Lanka. Poland's relatively strong economic growth and its status as an EU candidate country are mainly responsible for this phenomenon, and illegal and legal immigrants alike can find employment in the country.

The UNHCR has been working with government officials, police, and hospital personnel to sensitize them to the plight of refugees and train them in better ways of handling refugees. As part of this campaign, in September the UNHCR, in conjunction with the domestic NGO Polska Akcja Humanitarska and the entertainment agency 'Alter Art,' hosted a "Refugee Day" in Warsaw that featured bands, food, and entertainment appealing to younger persons.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens have the right to change their government peacefully. This right is provided for in the Constitution and exists in practice. All citizens 18 years of age and older have the right to vote and to cast secret ballots, and voting is voluntary. The country is a multiparty democracy. A permanent, democratic Constitution entered into force in 1997. Free and fair presidential elections were held in October. Multiple candidates ran and had access to the media. President Kwasniewski was re-elected to a second (and final) 5-year term in the first round with 53 percent of the vote.

Executive power is divided between the President and a government chosen by the Sejm, or lower house of Parliament. There is also an upper house (the Senate). The Constitution provides for parliamentary elections at least once every 4 years. The President, elected for 5 years, has the right, in certain very limited cases and after seeking the opinion of the Speakers of the Sejm and the Senate, to shorten the Sejm's term of office. Whenever the Sejm's term of office is shortened, the Senate's term automatically is shortened as well. Parliament may impeach the President.

Women are underrepresented in government and politics. Only 13.7 percent of parliamentarians (63 of 460) are women, and presently none of the 19 cabinet ministers is a woman. The Speaker of the Senate is the only female parliamentary leader, and none of the leaders of the nation's largest political parties are women.

Two members of the German minority party are Members of Parliament (M.P.s) (see Section 5). The electoral law exempts ethnic minority parties from the requirement to win 5 percent of the vote nationwide in order to qualify for seats in individual districts.



*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views.

The Helsinki Foundation, a major NGO, conducts human rights investigations without government interference. Members of the foundation report that the Government displays a generally positive and helpful attitude towards human rights investigations. However, some domestic NGO's believe that a hostile regulatory climate is developing in parts of the government bureaucracy.

The Office of the Commissioner for Civil Rights Protection (the Ombudsman), established in 1987, is the Government's watchdog for human rights. The Ombudsman's office is an effective, independent body with broad authority to investigate alleged violations of civil rights and liberties. The Ombudsman registers each reported case and files grievances, where appropriate, with the relevant government office. He has no legislative authority and is sworn to act apolitically. The Government cooperates with his office.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution states that "no one shall be discriminated against in political, social, or economic life for any reason whatsoever." The Government attempts to ensure that these provisions are observed; however, violence and societal discrimination against women and ethnic minorities persist.

*Women.*—Violence against women continues to be a problem. Women's rights advocates report that unofficial statistics are similar to those of previous years, although there are no recent comprehensive surveys. Physical abuse is illegal and spousal rape is treated the same as other types of rape. In 1996 some 9 percent of women polled by the Public Opinion Research Center admitted to being beaten repeatedly by their husbands. Women's organizations assert that the number of women suffering from domestic abuse is probably much higher. They explain that battered women usually refuse to admit abuse even to themselves. Violence against women remains hidden, particularly in small towns and villages. Government and police statistics do not differentiate between male and female victims of violence. Police intervene in cases of domestic violence, and husbands can be convicted for beating their wives. In 1998 the police, in cooperation with the State Agency for Solving Alcoholic Problems, introduced the so-called "blue card," a record-keeping system designed to better document incidents of spousal abuse. Sentences for abuse of family members range from 3 months to 5 years, or from 2 to 10 years if the victim attempts suicide as a result of the abuse. However, statistics suggest that a large majority of convictions result in suspended sentences. According to a spokesman for the police, there were 23,147 cases of family abuse reported during the year, with 161 of those being of particularly severe abuse. According to NGO's, the courts often treat domestic violence as a minor crime, pronounce lenient verdicts, or dismiss cases.

According to the Women's Rights Center Report published during the year, there has been significant progress in raising public awareness of the problem of violence against women. The topic received increasing coverage in the media during the year, most notably through a highly visible media campaign. In addition an increasing number of NGO's are addressing the problem. Fifteen centers have been established to assist victims, to provide preventive treatment as well as resocialization counseling to perpetrators, and to train personnel working with victims of domestic violence. As of July 6, an Office of Victims' Rights Spokesman at the Ministry of Internal Affairs and Administration has been established. The main task of the office is to ensure that victims of violence are treated with respect by law enforcement and the judicial system. The office provides legal and psychological assistance for victims and their families.

The law has no provision for restraining orders to protect battered women against further abuse. For example, in divorce cases, courts frequently grant a divorce but do not issue a property settlement, sending the woman back to live with the abusive husband. This problem is exacerbated by a lack of alternative housing in the country. Women's advocacy groups also have complained about the small number of state-supported shelters for battered women.

According to police statistics, the frequency of rape is increasing. During the year, there were 2,399 cases reported, compared with 2,029 in 1999. NGO's report that women often are unwilling to report the crime and estimate that the actual number of rapes is 10 times higher than reported statistics suggest.

Trafficking in women is a serious problem (see Sections 6.c. and 6.f.).

While laws specifically addressing sexual harassment do not exist, social awareness is increasing, as are mechanisms with the potential to deal with the problem. For example, the Criminal Code states that whoever takes advantage of a position of power in a relationship to gain sexual gratification may be sentenced to up to 3 years in prison. According to a Supreme Court advisory opinion, such a relationship can occur between employers and employees, between supervisors and subordinates, or between teachers and students. However, this provision can be invoked only when alleged sexual harassment occurs between a supervisor and an individual in a subordinate position. Abuse of power cannot be claimed when harassment occurs between persons of equal rank. In August a prosecutor charged a former director of a hospital emergency ward of sexually harassing six nurses; the case was still pending at year's end. Public discussion of the problem of sexual harassment is relatively new, but women increasingly are talking about the problem and speaking out against it.

The Constitution provides for equal rights regardless of gender and grants women equal rights with men in all areas of family, political, social, and economic life, including equal compensation for work of similar value. However, in practice women frequently are paid less for equivalent work, mainly hold lower level positions, are discharged more quickly, and are less likely to be promoted than men. According to the 1999 government statistical bulletin, men have a higher employment rate (54 percent) than women (45.9 percent), and women have a higher unemployment rate (13.5 percent) than men (11.7 percent). Despite a generally higher level of education, women earn on average 30 percent less than men. In August 1999, the U.N. Human Rights Commission expressed its concern about the situation and agreed that women are discriminated against in the labor market.

Women are employed in a wide variety of professions and occupations, and a number of women occupy high positions in government and in the private sector. Although clauses in social insurance law limit child sick care benefits to women, since June 1999, both men and women have the right to claim child sick care. The pension law passed in late 1998 did not change the mandatory earlier retirement for women at age 60 (65 for men). As a result women get about 60 percent of the average pension that men receive. In December the Constitutional Tribunal ruled that the law setting retirement age at 60 for women and 65 for men is discriminatory, as it reduces women's chances of promotion and better pensions. Based on this verdict women can appeal to the labor court if employers insist that they retire at 60. The law does not address equality in hiring practices (there are no legal penalties for discriminatory behavior in this area), and advertisements for jobs frequently indicate a gender preference. Although women have access to a number of previously forbidden careers since the Labor Code was modified in 1996, they still are prevented from working underground or in jobs that require heavy lifting. In March 1999, the Parliament failed to approve the proposed law on equal status that would have remedied some of these inequalities. Apart from the Constitution, there is no other legal provision for equal rights for women.

The Ombudsman for Human Rights monitors the rights of women within the broader context of human rights. Observers note that the broad scope of the office's mandate dilutes its ability to function as an effective advocate of women's issues. In 1997 the government Plenipotentiary for Family Affairs within the Cabinet replaced the government Plenipotentiary for Women and the Family, a change that many women's rights groups perceived as an example of discrimination. There are several women's rights NGO's. Among the most notable are the Polish Foundation for Women and Family Planning and the Women's Rights Center. These groups are active advocates of gender equality and advance their goals through research, monitoring, and publishing. There are several church-sponsored women's advocacy organizations, but their cooperation with other women's NGO's is limited.

Women have the same right as men to transmit citizenship to their foreign-born spouses.

*Children.*—The Constitution extends some state protection to the family and children and the Sejm appointed an ombudsman for children's rights in June, although he resigned in August. A replacement was being sought at year's end. The Government sponsors some health programs targeted specifically at children, including a vaccination program and periodic checkups conducted in the schools. In reality, budget shortfalls prevent complete implementation of these programs. There are no procedures in schools to protect children from abuse by teachers; in fact, the teachers' work code provides legal immunity from prosecution for the use of corporal punishment in classrooms.

Violence against children is illegal. A provision of the Criminal Code threatens those who physically or psychologically abuse a juvenile with a prison sentence of 3 months to 5 years. If the victim attempts suicide the sentence is increased, as it

is if the perpetrator is found to have acted with extreme cruelty. Abuse rarely is reported, and convictions for child abuse are even more rare. There is no societal pattern of abuse of children; however, trafficking in children is a problem (see Sections 6.c. and 6.f.).

Young men and women are treated unequally in terms of the age of majority. Men and women reach majority at the age of 18 under the Civil Code. However, a young woman can reach majority at the age of 16 if she has entered into marriage with the consent of her parents and the guardianship court. In addition men are not permitted to marry without parental consent until the age of 21, whereas women may do so at the age of 18 (see Section 1.f.). Lawmakers' rationale for this difference in treatment is the assumption that it is better that men entering compulsory military service not be encumbered with families.

*People with Disabilities.*—There were approximately 5.5 million disabled persons in the country by year's end, and the number is expected to reach 6 million by the year 2010. During the year, the Central Bureau of Statistics (GUS) reported that 17 percent of disabled persons able to work are unemployed. Advocacy groups claim that the percentage is much higher. GUS data from 1999 indicate that 48.7 percent of the disabled have no more than an elementary school education, compared with 33.7 percent of those without disabilities, and that only 4.2 percent have a university education, compared with 8.2 percent of the nondisabled.

The Constitution provides for aid to disabled persons "to ensure their subsistence, professional training, and social communication," and a number of laws protect the rights of the disabled. However, implementation falls short of rights set forth in the legislation. Public buildings and transportation generally are not accessible to the disabled. Current law provides only that buildings "should be accessible."

The law creates a state fund for the rehabilitation of the disabled that derives its assets from a tax on employers of over 50 persons, unless 6 percent of the employer's work force are disabled persons. While the fund has adequate resources, its management has encountered difficulties, including frequent changes in leadership. According to press reports, the fund has 4,000 grant applications pending. During the year, the fund had \$0.4 billion (1.8 billion PLN) at its disposal. Thirty percent of this sum was spent for social rehabilitation and the rest for professional rehabilitation. The fund has branches in all 16 provinces. According to the August 1997 revision of the law on professional and social rehabilitation, 5 to 10 percent of the fund can be used to assist disabled children.

A 1996 law allows individuals from certain disability groups to take up gainful employment without the risk of losing their disability benefits. Previously, disabled individuals from those groups lost their benefits once they began to work.

*Religious Minorities.*—Current law places Protestant, Catholic, Orthodox, and Jewish communities on the same legal footing, and the Government attempts to address problems that minority religious groups face. Among the most important of these problems is that of property restitution. The laws governing restitution of communal property allow for the return of churches and synagogues, cemeteries, and community headquarters, as well as buildings that were used for other religious, educational, or charitable activities. The laws included time limits for filing claims; in several cases the deadlines have expired, and no additional claims may be filed. Restitution commissions (composed of representatives of the Government and of the affected religious community) are continuing to adjudicate previously filed claims. The Government established four separate commissions to process the claims of the Catholic, Lutheran, and Orthodox Churches, and the Jewish community. A fifth commission to handle the claims of other religious groups became active on September 1.

The Concordat, a treaty regulating relations between the Government and the Vatican, took effect in April 1998.

The time limit for applications by the Catholic Church expired in December 1991. At the end of December, 2,512 of 3,045 claims filed by the Catholic church had been concluded, with 1,184 claims settled by agreement between the church and the party in possession of the property (usually the national or a local government); 859 properties were returned through decisions of the commission on property restitution, which rules on disputed claims; 456 claims were rejected; and 13 cases were expected to go to court. The local Jewish community's deadline for filing claims under the 1997 law expires in 2002. By year's end, 532 had been filed. Of those 532 claims, by year's end the commission on property restitution considered and closed 145 cases; 78 of the 145 cases were closed by an agreement between the parties. As of early in the year, Lutheran claims for 1,200 properties had resulted in 392 cases being closed with the return of the properties in question (the deadline for filing such claims was August 1993). Seventy-four claims were filed by the Orthodox

Church, one property has been transferred, and the commission is considering another 20 claims.

Laws on religious communal property do not address the private property of any group, and laws on communal property restitution do not address the issue of communal properties to which third parties now have title, leaving several controversial and complicated cases unresolved. In a number of cases over the years, buildings and residences were built on land that included Jewish cemeteries that were destroyed during or after World War II. For example, a school for disabled children now stands on the site of a completely destroyed Jewish cemetery in Kalisz. The existence of the school complicated the issue of returning the cemetery to the Jewish community. Efforts continued during the year to reach a resolution acceptable to all concerned.

Units set up to monitor new religious movements that are being trained to deal with criminal activities by sects have been criticized by Adventist church leaders, who allege that the "anti-sect" training material gives a distorted picture of minority religions that could lead to discrimination against them.

Relations between the various religious communities are generally amicable, although anti-Semitic feelings persist among certain sectors of the population, occasionally manifesting themselves in acts of vandalism and physical or verbal abuse. It is not always clear that vandalism of graves is anti-Semitic in nature. Surveys in recent years show a continuing decline in anti-Semitic sentiment and avowedly anti-Semitic candidates fare very poorly in elections.

Sporadic and isolated incidents of harassment and violence against Jews continue to occur in the country, often generated by skinheads and other marginal societal groups. Occasional cases of cemetery desecration, including both Jewish and Catholic shrines, also occurred during the year. Government authorities consistently criticized such actions and made efforts to prevent similar acts from occurring in the future, for example, by increasing police patrols around Jewish sites. No arrests or prosecutions took place after any of these events.

In February near Katowice, some 60 graves were desecrated in what apparently was an attempt to steal and sell the stones from the local Catholic cemetery; no one was charged in the case. Later in the month, two other Catholic cemeteries were desecrated with Satanist graffiti, one near Zamosc and one near Wroclaw. Perpetrators in the case were not found and the investigation was discontinued.

In March hooligans vandalized a monument to martyred priest Jerzy Popielusko; no one was arrested in the case. Also in March, the citizens of Lodz took action of their own accord to clean up anti-Semitic (and other) graffiti in the town. The same evening as the clean-up, vandals spray-painted anti-Semitic and anti-Roma graffiti on the home of Marek Edelman, the last surviving commander of the 1943 Warsaw ghetto uprising. The attack was criticized strongly by both the President and the Prime Minister. The case was investigated, but no perpetrators were identified and the investigation was discontinued.

In April anti-Semitic and anti-Roma graffiti were painted on the Wall of the Jewish cemetery at Oswiecim (Auschwitz). The perpetrators were not caught. The town paid to have the graffiti removed. Also in April, on 2 successive nights, vandals in Krakow painted swastikas and anti-Semitic graffiti on the walls of a local museum, whose site once had housed a pharmacy operated by the only non-Jewish Pole to live in the Krakow ghetto. The pharmacy's owner had received the Israeli "righteous among nations" award for the help he rendered to many Jews during the war. Although the local public housing authorities responsible for maintenance of the property painted over the graffiti the following afternoon, the next evening the vandals wrote anti-Semitic slogans over the fresh paint. The second set of graffiti was painted over the next morning. Local police vowed to step up patrols in the area but no arrests were made by year's end.

Also in April, Satanist graffiti defaced some 20 gravestones in a Catholic cemetery in a village near Poznan. The vandals were never identified. In August a group of

The "Pope's Cross," located on the grounds of a former Carmelite convent in Oswiecim adjacent to the Auschwitz concentration camp museum, remained in place at year's end.

In April Opole University fired professor Dariusz Ratajczak for publishing a book denying the Holocaust. The firing followed the unsuccessful prosecution of Ratajczak in December 1999 for violating the law on the preservation of national remembrance, a provision of which criminalizes public denials of Nazi and communist-era crimes. The University announced that Ratajczak had violated ethical standards and would be barred from teaching at other universities for 3 years.

In January 1999, vandals damaged or destroyed 57 gravestones in the Jewish cemetery in Krakow. In May 1999, the cemetery was vandalized again when unidentified perpetrators overturned 30 gravestones and set fire to the main door of the pre-burial house. Perpetrators in these events were not found and the investigation into the cases was discontinued. The local Jewish community now pays for two guards and two guard dogs at the cemetery, where such incidents have ceased.

In July 1999, unknown vandals sprayed swastikas and anti-Semitic graffiti on the Jewish community headquarters in Bielsko-Biala. According to the mayor of Bielsko-Biala, city police officers were ordered to guard the building after the attack and an investigation opened in 1999 into the case was discontinued in 2000. There were no further incidents reported during the year.

In May during the 12th March of the Living from Auschwitz to Birkenau to honor victims of the Holocaust, several hundred Poles joined the Presidents of Israel and Poland as well as some 6,000 marchers from Israel and other countries. This was the largest participation of Polish citizens in the event to date. Government officials participating in the march included M.P.s, the province's governor, and Oswiecim's mayor and city council chairman. Schoolchildren, Boy Scouts, the Polish-Israeli Friendship Society, and the Jewish Students Association of Poland also participated in the march.

Investigations continued into the May 1998 desecration of graves in the Warsaw Jewish cemetery and the July 1998 vandalism of a plaque commemorating Jewish Holocaust victims in Rzeszow. No charges have been filed to date, and the Rzeszow case was still under investigation at year's end.

In September dignitaries from Poland, Israel, the United States, and other countries (including Prince Hassan of Jordan) gathered in Oswiecim (Auschwitz) to commemorate the opening of the refurbished Chevra Lomdei Mishnayot synagogue and the Auschwitz Jewish Center. The synagogue, the sole synagogue in Oswiecim to survive World War II, and an adjacent Jewish cultural and educational center, provide visitors a place to pray and to learn about the active pre-war Jewish community that once existed in Oswiecim. The synagogue was the first communal property in the country to be returned to the Jewish community after the fall of communism under a 1997 law allowing restitution of Jewish communal property.

On November 11, some 400 persons participated in a demonstration in Katowice officially organized by the No To Europe Association; some of the participants chanted anti-Semitic slogans and burned the EU and Israeli flags. The association's head told prosecutors investigating the case that only some 30 percent of the rally's participants were actual members of his organization.

There is some public concern about the growth of groups perceived to be "sects" and the influence of non-mainstream religious groups, especially in the wake of press reports of the deaths of a few young persons in circumstances suggesting cult activity.

*National/Racial/Ethnic Minorities.*—The law provides for the educational rights of ethnic minorities, including the right to be taught in their own language. There were 5 Lithuanian-language textbooks in use during the year and the number will probably increase to 8 or 9 in 2001. The Ministry of Education fully finances their publication and uses Lithuanian minority representation on development of the texts. The issue of Lithuanian minority rights, including language instruction, is routinely addressed during governmental talks at the highest levels.

The Romani community, numbering around 30,000, faces disproportionately high unemployment and was hit harder by economic changes and restructuring than were ethnic Poles, according to its leaders. The national Government does not discriminate overtly against Roma, though discrimination against Roma is commonplace in society at large and some local officials have been known to discriminate by not providing services in a timely manner or at all. Romani leaders complain of widespread discrimination in employment, housing, banking, the justice system, the media, and education. There have been occasional incidents of skinheads clashing with Roma and racially motivated violence directed at Roma. The central Government is cooperating with local governments to develop and finance programs to assist the poorest Roma. Some local governments are becoming more active in dealing

with the problems of local Romani communities. In the southern town of Nowy Sacz, where some of the country's poorest Roma reside, the local government launched a new initiative to improve the lives of the city's Roma. The initiative calls for hiring a special liaison to the Romani community, improving housing and access to utilities (sewers and running water), and expanding educational opportunities for Roma. The Government has also mounted an advertising campaign featuring a famous Polish actor that emphasizes tolerance and friendly attitudes towards foreigners and refugees resident in the country. A November poll showed no significant change in Polish attitudes toward other nationalities. The highest negative attitude is towards Roma and Romanians (64 percent and 63 percent); Russians, Ukrainians and Belarussians (57 percent, 58 percent, 50 percent); and Jews (49 percent).

The small Ukrainian and Belarussian minorities occasionally experience petty harassment and discrimination. Individuals of African, Asian, or Arab descent have experienced verbal or other types of abuse, including physical abuse. In February an African-American woman was kicked at the Czestochowa train station, in what she felt was a racially-motivated attack. In April a group of African-American military personnel visiting Wroclaw in connection with a NATO exercise were singled out for harassment by a group of skinheads. Part of the group was involved in a shoving match outside of a local restaurant, which ended when a larger group of military personnel arrived and the skinheads dispersed. In a second related incident, three of the servicemen were cornered by a group of skinheads carrying bottles who identified themselves as "white racists." In June two African-Americans were verbally harassed by a group of skinheads in Gdansk. They did not respond to the taunts and there was no further incident.

The German minority in Opole province makes up one-third of the 1 million inhabitants of this area of Poland that was part of Germany prior to World War II. Some members of the community complain that not enough German is used in the province's schools and that the minority rights bill will not successfully pass Parliament. However, two members of the German minority party are able to voice such concerns as Members of Parliament (see Section 3).

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides that all workers, including civilian employees of the Armed Forces, police, and frontier guards have the right to establish and join trade unions of their own choosing. The law sets minimum size requirements for establishing a trade union: 10 persons may form a local union, and 30 may establish a national union. Unions, including interbranch national unions and national interbranch federations, must be registered with the courts. A court decision refusing registration may be appealed to an appeals court. During the year, the number of officially registered national-level unions remained at about 360, about the same as in 1999. No precise data exist on work force unionization, although the trend continues to be downward. Recent studies suggest that only 9 to 10 percent of workers belong to a union. As a rule, newly established small- and medium-sized firms were nonunion, while union activity in most cases carried over into privatized (former state-owned) enterprises. The Independent Selfgoverning Trade Union (NSZZ) Solidarity has a verified regular dues-paying membership of about 1 million. Small spin-offs from mainstream Solidarity include the rival factions Solidarity '80, August '80, and the Christian Trade Union Solidarity (Popieluszko). There are no reliable estimates of their membership.

The other principal national unions are those affiliated with the All-Poland Trade Union Alliance (OPZZ), the formerly Communist-aligned confederation established in 1984 as the sole legal alternative to then-outlawed NSZZ Solidarity, and its teachers' affiliate, the Polish Union of Teachers (ZNP). The OPZZ reports that its membership has dropped by more than 50 percent in recent years to about 1.7 million, but this figure is unverified, and independent sociological surveys suggest that its regular dues-paying membership is considerably less than Solidarity's. A recent survey found that Solidarity represents some 7.6 percent of all Polish workers, while the OPZZ represents only 3.6 percent (one estimate put OPZZ membership at roughly 700,000 to 800,000 workers). According to a 1999 study by the State Labor Inspectorate, out of some 27,000 local union organizations, Solidarity had 13,500 organizations, the OPZZ had 11,000 organizations, and Solidarity '80 had 770 organizations.

The law on collective bargaining, in force since 1994, does not require union membership figures to be verified or based on dues-paying members in order for unions to be considered "representative" negotiating partners for management and government. Solidarity protested some unions' (largely OPZZ affiliates) participation in negotiations with the Government on the grounds that their membership figures remain unproved.

Most trade unions were active in politics at all levels. Trade unions are affiliated with political parties and scores of union activists were parliamentarians, and several became senior government officials. Solidarity plays a key role in political life. With 62 deputies, 27 senators, dozens of ministers, governors, and other senior national and local officials, the union serves as the backbone of the ruling AWS coalition. The OPZZ has 42 deputies, about one-quarter of the opposition Democratic Left Alliance (SLD) caucus.

Unions have the right to strike except in "essential services." However, labor leaders complain that the 1991 Act on Collective Dispute Resolution prescribes an overly lengthy process before a strike may be called. Employers consider the law too lenient, since it allows only one-quarter of the work force to vote to call a strike. As a result, as many as 60 to 90 percent of strikes called in recent years have been technically "illegal" because one or both of the sides did not follow each step exactly as required by law. Labor courts act slowly on deciding the legality of strikes, while sanctions against unions for calling illegal strikes, or against employers for provoking them, are minimal. Arbitration is not obligatory and depends on the agreement of disputing parties. Unions allege that laws prohibiting retribution against strikers are not enforced consistently and that fines imposed as punishment are so minimal that they are ineffective sanctions to illegal activity. Workers who strike in accordance with the law retain their right to social insurance but not to pay. However, if a court rules a strike "illegal," workers may lose social benefits, and organizers are liable for damages and may face civil charges and fines. The social partners (unions, employers, and the Government) continued to work out ambiguities in dispute resolution mechanisms in the new Labor Code, which went into effect in 1996, and which represented a major overhaul of communist-era labor regulations.

The number of strikes in the first 6 months of the year remained relatively low and dropped to 6 from 25, compared with the same time period in 1999. There were strikes lasting for a few days in public transportation, health, armaments, and metallurgy sectors. Railroad (PKP) workers struck for a few hours during the year, demanding overdue payments, changes in the privatization process, and protesting layoffs.

In November hundreds of nurses began hunger strikes and protests throughout the country to protest the Government's failure to pay wage increases. In December the Sejm passed a bill giving the nurses a raise. The nurses found the offer unsatisfactory, and the matter was still pending conclusion at year's end.

Unions have the right to join labor federations and confederations and to affiliate with international labor organizations. Independent labor leaders reported that these rights were observed in practice. Solidarity is a full member of the International Confederation of Free Trade Unions, the World Confederation of Labor, and the European Trade Union Confederation.

*b. The Right to Organize and Bargain Collectively.*—The 1991 Law on Trade Unions created a favorable environment for trade union activity. However, labor leaders report that the 1991 law has not prevented employers from discriminating against workers who attempt to organize or join unions, particularly in the growing private sector. The law also has not prevented employer harassment of union members for labor activity. The ICFTU alleges that the sanctions provided in the law against acts of antiunion discrimination are not sufficiently dissuasive.

The 1991 law provides for parties to take disputes first to labor courts, then to the prosecutor general, and, in the last resort, to the Supreme Court. In a typical year, Solidarity takes several thousand cases to labor courts, several hundred to the Prosecutor General, and dozens to the Supreme Court for resolution. In an overwhelming majority of these cases, the courts ordered employers to correct practices or reinstate dismissed workers or unions to reimburse employers for activity found to be illegal. However, penalties are minimal and are not an effective deterrent.

Enterprise-level collective bargaining over wages and working conditions increasingly characterized the labor relations system. Labor and management are adapting their relationship to the demands of a market economy, but experience in modern labor relations is still in its early stages. Many enterprises rolled over agreements concluded in earlier years.

Since its formation in early 1994, the Tripartite Commission (unions, employers, and the Government), currently chaired by Labor Minister Longin Komolowski, has become the main forum that determines national-level wage and benefit increases in such politically sensitive areas as the so-called budget sector (health, education, and public employees), while rendering opinions on pension indexation, energy pricing, and other important aspects of social policy. The Commission serves as an important forum in which the social partners air differences, discuss grievances, and often negotiate agreements before problems erupt into social conflict.

Many disputes arose because of the weakness of the employer side of the union/employer/Government triangle. Key state sector employers (largely in heavy industry and the budget sector) still were unable to negotiate independently with organized labor without the extensive involvement of central government ministries to which they are subordinate, although the Government repeatedly stated that its intention was not to be drawn into labor disputes. This weakness complicated and politicized the Government's labor relations system. Claiming that the Government was refusing seriously to discuss labor issues with it, the OPZZ suspended participation in the commission in April 1999 and stayed away all throughout this year.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Compulsory labor does not exist, except for prisoners convicted of criminal offenses, and otherwise is prohibited by law, including that performed by children. There were no reports of forced or compulsory labor by children.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law contains strict legal prescriptions about the conditions in which children may work. Education is universal and mandatory until age 18, and public schools are free of charge. The Labor Code forbids the employment of persons under the age of 15. Those between the ages of 15 and 18 may be employed only if they have completed primary school and if the proposed employment constitutes vocational training and is not harmful to their health. The age requirement rises to 18 years if a particular job might pose a health danger.

Child labor is not a problem, although the State Labor Inspectorate reported that increasing numbers of minors now work, and that many employers violate labor rules in employing them (by underpaying workers, paying them late, etc.). Inspectors found violations on stud farms, in restaurants, and, in some instances, in small private sector businesses and factories. Sanctions for illegal employment of children range from warning letters through orders to cease the work of under-age employees. These orders can be enforced through the police to demand the transfer of under-age employees or shut down all or part of the offending workplace, or, working through the Ministry of Labor, to impose fines ranging from \$5 to \$125 (20 to 500 PLN) per offense. Cases may also be referred to an administrative tribunal, which can levy fines of up to \$1,250 (5,000 PLN). Jail sentence may be imposed if the infractions are serious enough; such cases generally involve serious injury or death. In 1999, the last year for which figures are available, the State Labor Inspectorate (PIP) conducted 1,494 investigations involving some 12,000 possible under-age employees. Fines were levied in 417 of these cases, amounting to some \$35,000 (140,000 PLN). The number of cases sent to the administrative tribunal were 358.

The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The Ministry of Labor, the unions, and employers' organizations negotiate a revised national minimum wage every 3 months. The minimum monthly wage in state-owned enterprises is approximately \$162.50 (700 PLN), which constitutes no real increase over 1999 figures. This amount was insufficient to provide a worker and family with a decent standard of living in view of rising prices. A large percentage of construction workers and seasonal agricultural laborers from the former Soviet Union earn less than the minimum wage. The large size of the informal economy and the small number of state labor inspectors make enforcement of the minimum wage very difficult. As long as unemployment remains high, workers often agree to inferior working conditions and lower pay in order to find or keep their jobs.

The standard legal workweek is 42 hours, which allows 6- or 7-hour days, including at least one 24-hour rest period. The law requires overtime payment for hours in excess of the standard workweek.

The Labor Code defines minimum conditions for the protection of workers' health and safety. Provisions are strict and extensive, and trade unions have the right to stop production or extract a worker from dangerous working conditions without jeopardizing the worker's continued employment. However, enforcement is a major problem because the Labor Inspectorate is unable to monitor the state sector sufficiently, much less the private sector, where a growing percentage of accidents take place. In addition there is a lack of clarity concerning which government or legislative body has responsibility for enforcing the law. The Labor Inspectorate can shut down workplaces in which it finds unsafe conditions. In 1999, the last year for which figures are available, there were 16 shutdowns of either a part or of a whole workplace.

In the 41,011 work-related accidents reported during the first 6 months of the year, 277 individuals were killed and 602 seriously injured. The Government's Cen-



tral Statistical Office reported that most accidents were in the public sector, while most serious accidents were in the private sector, where proportionally more deaths also occurred. Solidarity contends that the problem lies not in the law, which establishes safe standards, but in enforcement, because employer sanctions for illegal behavior are minimal. Standards for exposure to chemicals, dust, and noise are exceeded routinely. Workers may remove themselves from dangerous working conditions without losing their jobs, but there were reports that fears of such loss prompted some to stay on the job.

*f. Trafficking in Persons.*—Trafficking in women and children is illegal and several specific provisions in the Criminal Code address this issue; however, it remains a problem. The Criminal Code prohibits trafficking in human beings, and pimping, and imposes sentences of up to 10 years on those convicted. It also bans recruiting or luring persons into prostitution; penalties for this offense are also up to 10 years. The most severe sentences are reserved for individuals trafficking in children and those luring women into prostitution abroad. Statutes on trafficking were most recently revised in 1998.

Due to the illicit nature of the activity, it is difficult to estimate the numbers of women who are trafficked. There was an increase in numbers of prosecutions from 1998 to 1999. In 1998 the police reported 70 cases (18 cases of trafficking and 52 of luring women and children into prostitution); in 1999 they reported 184 (8 cases of trafficking and 176 cases of luring women and children into prostitution). It is not clear whether this increase is due to a growth in the number of women trafficked or to greater activity by the Polish authorities. According to a recent press report, road prostitution has doubled since 1998. However, in 1999 there was a police crackdown on highway trafficking and prostitution in response to a letter from the Polish Episcopate to the Prime Minister, and the Polish police report that the crackdown resulted in an estimated 20 percent decrease in such activity. Nonetheless, the international NGO La Strada, which focuses on trafficking in women and girls worldwide, and other sources report that this did not represent an overall decrease in the problem. Rather the activities were moved to secondary roads and agencies. La Strada also estimates that 90 percent of cases handled by Polish prosecutors are the results of deportations from Germany to Poland that are initiated and investigated in Germany. According to La Strada, Polish authorities lack the resources to initiate and investigate cases originating within Poland.

It is particularly difficult to estimate the extent to which children are victims of trafficking. Trafficking in children is reported to be marginal; that which exists appears to be in connection with illegal adoption. Police authorities deal with child traffickers more severely, in part because laws on statutory rape are easier to prosecute. As a result the activity has been driven completely underground. Child prostitution is a crime, while prostitution of adults is neither banned nor regulated by law, making it more difficult for the police to pursue. The authorities do not always recognize trafficking in children since minors can be trafficked on false documents identifying them as adults. Twenty of the 184 cases initiated by prosecutors in 1999 involved victims who were minors.

Poland is a source, transit, and destination country for trafficked women and girls. Polish women are trafficked into the sex trade to Germany and other Western European countries through such means as fake employment offers, arranged marriages, fraud, and coercive measures. Women and girls are trafficked into Poland primarily from east and south central Europe, where they are recruited from areas with low socioeconomic conditions, sometimes quite openly. Many believe that they are accepting employment as waitresses or maids in the west. While they are en route to what they believe to be their destinations, their passports and identity papers are taken away from them. Stripped of their personal identity, the women and girls are kept under the control of the traffickers through fear and intimidation. They are required to serve a minimum number of clients each day in order to earn their keep. They are threatened with violence, and those who resist are raped or beaten. If they try to flee, their legs may be broken. There are also reports of victims being killed by their traffickers. Since the border guards and police may regard them as criminals who have violated passport laws, the women and girls are afraid to turn to officials for help. They have no legal status and there are no public resources available to assist them. When detained by the police, they may be deported to the border, where they are met by traffickers who quickly provide them with new travel documents and return them to Poland. One official mentioned the case of a Bulgarian woman who had been arrested in Poland four times, each time under a different name. Bulgaria is the largest single source of foreign women trafficked in Poland. Women from Bulgaria tend to be from the Turkish and Roma minorities. There are also significant numbers of women from Ukraine, Belarus, Moldova, and Latvia. Recently there also have been reports of Roma women from Romania who

are trafficked on Bulgarian documents. Those women and girls with the lowest socioeconomic status are most vulnerable, and subjected to the worst conditions. For example, Roma and ethnically Turkish Bulgarians tend to be employed on highways. They may spend a few months in Poland before they are trafficked further west. In contrast, women from other countries of Eastern Europe are also trafficked in agencies run as brothels. Educated Polish and Russian women are more likely than others to be employed voluntarily by escort services.

In the last few years, trafficking has become increasingly organized and has been associated with a rampant growth in document fraud. As many as 90 percent of the women and girls trafficked in the country have false travel documents, and the trafficking of a single woman will involve a whole network of criminals. One criminal will recruit the woman; the second will provide false travel documents and traffic her across the border. A third criminal will supervise her work with clients, functioning as a pimp. La Strada reports that last year a large scale "auction" of women was held at a convention of traffickers meeting at a major hotel outside Warsaw. Polish authorities are investigating reports that such auctions occur regularly; one news source indicates that such auctions take place regularly. Prices paid for women and girls who are trafficked reportedly range from \$2,000 to \$4000 (4,000 to 8,000 DM). They are usually trafficked by nationals from the same source country. For example, Bulgarian women are trafficked by Bulgarians and Ukrainians by Ukrainians. Foreign traffickers systematically pay a percentage of their receipts to Polish traffickers operating out of the same region.

## PORTUGAL

The Portuguese Republic is a constitutional democracy with a President, a Prime Minister, a Parliament freely elected by secret ballot in multiparty elections, and an independent judiciary.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. Security forces are controlled by, and responsive to, the Government. They occasionally committed human rights abuses.

Portugal has a market-based economy. The service sector (with tourism playing a prominent role) is the leading source of employment, while employment in agriculture and industry continues to be static or decline. Manufacturing provides about 35 percent of total economic output. The principal exports are textiles, machinery, and vehicles. The standard of living has increased: per capita gross domestic product is approximately \$10,000 (2.15 million escudos).

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Credible reports continued that security personnel occasionally beat detainees. Prison conditions remained poor but improved somewhat. There were lengthy delays in holding trials. Violence against women and trafficking in women are problems, as are discrimination and violence against Roma, minorities, and immigrants. The Government is taking active steps to deal with the problem of child labor.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political killings.

In a widely reported January incident in Porto, Alvaro Rosa Cardoso, a member of the Roma community, died from internal abdominal bleeding after a violent encounter with police. The officers had been called to the scene of a local disturbance. The two officers alleged to be responsible were charged, but in August a court found the officers not guilty since it could not be determined whether the internal bleeding was due to the fight before the arrest or the alleged police mistreatment afterwards. Cardoso's family continued to blame the death on police mistreatment.

A similar event happened on the same day in another part of the city in which Paulo Silva died of internal bleeding which may have come about during an arrest for drug use. This case was reopened in October and was pending at year's end.

An inmate was reported to have died as a result of beatings by prison guards in Vale de Judeus in 1997; however, the Ministry of Justice later determined that the inmate committed suicide.

No one was ever charged or disciplined in the case of the death of Olivio Almada, whose body was found in 1996. He was last seen in the company of three police officers.

Three PSP officers were convicted on criminal charges related to the death in custody in 1996 of Carlos Areujo. The officers appealed the verdict, and their case remained in the appeals process at year's end. Disciplinary proceedings against the officers were deferred until after the criminal case is resolved.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids torture, inhuman or degrading treatment or punishment, and the use of evidence obtained under torture in criminal proceedings; however, credible but infrequent reports continued that police and prison guards beat and otherwise abused detainees, particularly non-Europeans.

In an attempt to respond to past negative reports on the treatment of detainees and to consolidate alleged improvements in the system, new legislation entitled "Regulations on the Material Conditions of Detention in Police Establishments" was adopted in May 1999. The law provides detailed guidelines covering all aspects of arrest and custody.

According to the nongovernmental organization (NGO) Amnesty International (AI), a National Republican Guard (GNR) infantry sergeant reported in August 1999 that in spite of the new regulations, the mistreatment of detainees was "virtually systematic." In November 1999, the General Inspectorate of Internal Administration (IGAI) opened an inquiry into the sergeant's allegations and began disciplinary proceedings against him personally, on unrelated charges. However, the IGAI stated that these proceedings were not in response to the allegations he made.

AI also brought to light the alleged mistreatment of Jorge Manuel da Conceicao Simoes. He was arrested in May 1999 on suspicion of possessing drugs and allegedly was beaten when he refused to sign a confession. In a September 1999 Madeira incident, also reported by AI, Marco Fernandes claimed to have been beaten by police with a pipe and a police radio. Judicial and disciplinary proceedings were opened and remained pending at year's end.

A police officer who used electroshock torture in Sintra in 1999 was fired from the force. A civil case against him was ongoing at year's end. Police were disciplined for misconduct during a January 1999 street festival in Lisbon.

In late 1997, two police officers were accused of having violated sexually a female drug addict in 1994. The supervisors of the officers initially delayed the opening of an investigation, but in December 1997 the divisional commander in Lisbon suspended the officers and ordered an investigation. The officers subsequently were fired and jailed, according to the Inspector General's office.

In April AI released a report covering the last 6 months of 1998, which noted the mistreatment of prisoners and excessive use of force by the police. In September 1997, Marcelino Soares, a 17-year-old inmate at the Caxias prison, reportedly was beaten and confined to an isolation cell for 3 days by guards for complaining that prison authorities had blocked visits by his brother. The guards involved in this case were fired, according to the Ministry of Justice.

Prison conditions remained poor; however, the Directorate General of Prison Services (DGSP) has taken steps to improve them. Prison crowding remains a major problem, but due to higher levels of funding and DGSP-led improvements, the rate of overcrowding went from a 1996 high of 57.5 percent (14,177 prisoners and 8,999 places) to a low of 13.4 percent (12,728 prisoners and 11,221 places) as of September 1.

By year's end, every cell was equipped with proper hygiene facilities. Health problems such as hepatitis and drug dependency nevertheless continued, and prisoners suffer from a high AIDS infection rate. In 1999 the health services director of the Bureau of Prisons reported that 7 out of every 10 convicts entering the prison system were infected with AIDS, Hepatitis B, or Hepatitis C. An estimated 20 percent of the total prison population is infected with AIDS. Tuberculosis was also on the rise. Prison health services, although still not adequately staffed, have benefited from increased spending on health services, the use of local health care providers to help prison inmates, and the construction of new health care facilities in many prisons.

Reports persisted about the mistreatment of prisoners by prison guards, severe overcrowding, poor medical treatment and the spread of contagious diseases, drug addiction, and cold temperatures in winter. Prisoners alleged that at Linho the warden and other supervisory staff seemed powerless to stop daily beatings of inmates by guards. Prison authorities deny these reports and point to the existence of organized violence among inmates. According to AI, other prisons where brutality by guards was alleged were Pinheiro da Cruz and Angra Heroismo. To help combat brutality by guards, the General Directorate of Prison Services began using resources from AI; all guards participate in mandatory training conducted by AI on such topics as nonviolent control of prisoners and conflict resolution.

An independent ombudsman, chosen by the Parliament, investigates complaints of mistreatment by the police and prison authorities. IGAI also conducts internal investigations in cases of alleged mistreatment. Police officers receive training in human rights and proper investigative procedure. However, NGO's have been critical of the slow pace of police investigations in general and internal investigations by the police in particular.

The Government permits prison visits by human rights monitors. Human rights organizations reported no difficulties in gaining access to inmates at detention facilities.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution provides for protection against arbitrary arrest and detention, and the Government respects its provisions in practice.

Under the law, an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A person may not be held

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In a September freedom of the press case, the ECHR found in favor of Vicente Jorge Silva, a former editor of the center-left daily, *Público*, in his appeal of a decision of the Constitutional Court. In 1993 he published a scathing editorial highly critical of the policies of a local politician running for public office. The politician sued for "abuse of freedom of the press," but Silva won the case in criminal court. Upon appeal two higher courts found in favor of the politician. The ECHR determined that the Constitutional Court had failed to support the freedom of the press in Silva's case.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Roman Catholic Church is the dominant religion; it receives tax exemptions and other privileges unavailable to other denominations. Although the overwhelming majority of citizens are Roman Catholic, other religions practice freely.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution and laws provide for these rights, and the Government respects them in practice.

The law provides for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Persons who qualify as refugees are entitled to residence permits. There were no reports of the forced expulsion of persons with a valid claim to refugee status. However, the Government almost never rules that an asylum seeker has a "valid" claim. Immigration authorities attempt to distinguish among political, humanitarian, and temporary refugees, but the Government continues to maintain that the majority are economic refugees using Portugal as a gateway to the other European Union "Schengen" countries.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections on the basis of universal suffrage. Portugal is a multiparty parliamentary democracy.

Women are underrepresented in government and politics. However, they and minorities have full political rights and participate actively in political life. Women head the Ministries of Health and of Environment. There are 49 female members of the 230-member Parliament. Race is rarely an issue in politics; persons of minority origin have achieved political prominence. Some persons advocate laws mandating female quotas on political party lists, but such legislation has not been passed. Some political parties nevertheless adopted their own internal quotas.

### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic (and international) human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative, although most groups complain of slow investigations or remedial actions.

### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution forbids discrimination based on ancestry, sex, language, origin, religion, political or ideological convictions, education, economic situation, or social condition, and the Government enforces these prohibitions.

*Women.*—Domestic and other violence against women is reportedly a common but hidden problem for which few seek legal recourse. According to the first national report on family violence, presented in March 1999, police agencies recorded 2,889 cases of family violence during the period October 1998 through January 1999. Of the 633 family violence crimes reported in January, more than two-thirds involved acts of physical violence and occurred between spouses or partners. Of the victims, 81 percent were women, and 87 percent of the suspects were men.

According to the 1999 statistics of a major NGO providing services to victims of crime, 46 percent of the 4,653 cases it handled involved domestic violence, and in the vast majority of those cases the target of the violence was women. The same NGO agreed with the Governmental Commission for Equality and Women's Rights that the frequency of violent incidents is probably the same, but increased publicity and resources have increased the number of victims who seek help. The law provides for criminal penalties in cases of violence by a spouse, and the judicial system

shows no apparent reluctance to prosecute suspects accused of abusing women. Changes to the Penal Code in May granted any interested party the ability to file charges in domestic violence cases. However, traditional societal attitudes still discourage many battered women from recourse to the judicial system.

The toll-free hot line for victims of domestic violence, in service since November 1998, now operates 24 hours a day, 7 days a week. In its first 6 months of operation, approximately 64 percent of the calls related to acts of physical violence, while 30 percent related to psychological concerns. The majority of callers (66 percent) were themselves victims. Women between the ages of 25 and 35 accounted for about 29 percent of the calls, while about 31 percent were women between the ages of 35 and 45. Although calls came from all over the country, the vast majority came from the large urban centers of Lisbon and Porto. These percentages have remained essentially unchanged.

Parliament has continued to address the problem of domestic violence with the passage of several laws in recent years. One provided for the expansion of the system of shelters for victims. Educational campaigns for the public and specialized training for the police also were strengthened. The creation of domestic violence units in the police, and of a new domestic violence category in the Attorney General's report on crime, were mandated by one of the new laws in May. Perpetrators of domestic violence now can be barred from contact with their victims, and in extreme cases, the police can order the immediate expulsion of a perpetrator from the victim's dwelling. The law also calls for the development of new programs to teach anger management to the perpetrators of domestic violence and to assist victims with the professional development necessary to live independent lives.

In August 1999, Parliament passed legislation to establish a national support network and a system of compensation for victims of domestic violence. In May 2000 Parliament changed the legal definition of domestic violence, the net result of which was expected to give police and the courts more leverage to prosecute such cases and remove some of the burden of bringing charges from the victim.

Prostitution is legal, but procurement is not. Trafficking in women for the purposes of forced prostitution continues to be problem (see Section 5 and 6.f.). Prostitution is linked closely to other types of organized crime, especially international narcotics trafficking. Specific legislation prohibits forced prostitution and trafficking in human beings. The Nest, an NGO, operates economic and social recovery programs for prostitutes.

The Civil Code provides for full legal equality for women. Sexual harassment, a problem that continues to gain public attention, is covered in the Penal Code as a sex crime, but only if perpetrated by a superior and in the workplace. The penalties are 2 to 3 years' imprisonment. As in the case of domestic violence, socially ingrained attitudes discourage many women from taking advantage of the legal protection available.

The Commission on Equality in the Workplace and in Employment, made up of representatives of the Government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment, but it receives few. It does review numerous complaints of discrimination by employers against pregnant workers and new mothers, who are protected by law. Maternity leave was increased in 2000 from 90 days to 120 days with full pay and benefits. Also after return to work a new mother (or father) may take time off every day to nurse or feed an infant. If pregnant or nursing women or new fathers are fired, they may take their complaint to the government Equality Commission (CITE), which was established to deal with equal opportunity complaints. If CITE finds that the employee's legal rights were violated, the employer must reinstate the worker and pay double back pay and benefits for the time at work missed due to the wrongful firing.

Women increasingly are represented in university student bodies, business, science, and the professions. However, a gap remains between male and female salaries: according to the most recent figures available (1997), women earned an average of 77 percent of men's earnings. Women make up the majority of university graduates.

*Children.*—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provides 9 years of compulsory, free, and universal education for children through the age of 15. The Government provides free or low cost health care for all children up to the age of 15. A special office in the Directorate General of Health oversees implementation of the Government's programs for children. A 9-year period of education is compulsory. A 1996 study by the European Commission indicated that only 50 percent of children receive preschool education. To counter this problem, the Ministry of Education instituted a pilot project on early childhood

education in the Algarve region in 1997. This program proved successful. More teachers were hired, and more new schools were constructed in remote places. Preschool education became free for 5 year olds in 1998 and was scheduled to become free for 3 and 4 year olds by 2001. Each year the number of students enrolled in preschool has increased. In the 1998-99 school year, 207,109 attended; in 1999-2000, the number increased to 218,225; and in the 2000-2001 school year, 230,000 students attended preschool.

The National Children's Rights Commission is charged with implementing the principles of the International Convention on the Rights of the Child. The Commission operates under the aegis of the High Commissioner for the Promotion of Equality and of the Family and includes representatives from the Ministries of Justice, Health, Education, and Solidarity, as well as from leading NGO's. The quasi-independent Institute for the Support of Children organized a network of 48 NGO's dedicated to helping at-risk youth. The University of Minho's Institute for the Study of Children is a research center dedicated solely to the study of children's issues. The Institute for the Support of Children organizes public awareness programs, serves as an information clearinghouse for NGO's working on children's issues and promotes legislation protecting children's rights. It provides telephone and in-person counseling, intervention, and prevention services in cases of child abuse and neglect. It also operates services assisting the at-risk youth known as "crianças da rua"—"street kids."

There is no societal pattern of abuse of children, although child labor remains a problem (see Section 6.d.).

Following the uncovering of a pedophile ring in Madeira in 1997, the Parliament passed a law to protect children from sexual abuse and exploitation.

There is no societal pattern of abuse of children, although child labor remains a problem (see Section 6.d.).

rect negotiations. Policemen and members of the armed forces may not strike. The authorities respect all provisions of the law on labor's rights.

Two principal labor federations exist, the Workers' General Union (UGT) and the General Confederation of Portuguese Workers (CGTP). No restrictions limit the formation of additional labor federations. Unions function without hindrance by the Government and are associated closely with political parties.

There are no restrictions on the ability of unions to join federations or of federations to affiliate with international labor bodies.

*b. The Right to Organize and Bargain Collectively.*—Unions are free to organize without interference by the Government or by employers. Collective bargaining is provided for in the Constitution and is practiced extensively in the public and private sectors.

Collective bargaining disputes usually are resolved through negotiation. However, should a long strike occur in an essential sector such as health, energy, or transportation, the Government may order the strikers back to work for a specific period. The Government rarely has invoked this power, in part because most strikes last only 1 to 3 days. The law requires a "minimum level of service" to be provided during strikes in essential sectors, but this requirement is applied infrequently. When it is applied, minimum levels of service are established by agreement between the Government and the striking unions, although unions have complained, including to the International Labor Organization (ILO), that the minimum levels were set too high. When collective bargaining fails, the Government may appoint a mediator at the request of either management or labor.

The law prohibits antiunion discrimination, and the authorities enforce this prohibition in practice. The General Directorate of Labor promptly examines complaints.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Forced labor, including by children, is prohibited and generally does not occur. Specific legislation prohibits trafficking in persons; however, trafficking in women for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum working age is 16 years. There are instances of child labor, but the overall incidence is small and is concentrated geographically and sectorally. The greatest problems are reported in Braga, Porto, and Aveiro and tend to occur in the clothing, footwear, construction, and hotel industries. Government agencies have noted a recent gradual shift from child labor in industries to the home, where children work in family businesses. The extensive national network designed to combat child labor is beginning to shift some of its resources in this direction. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

In 1998 the Government created a commission called Plan for the Elimination of Exploitation of Child Labor (PEETI). Working with several NGO's, PEETI has developed an integrated program of education and training in which local teams of social workers and educators intervene in situations involving dropouts and working children. These teams develop programs of scholastic and vocational study tailored to the individual child and his community. PEETI gives "scholarships" to help offset the loss of income to the family. In the first year of PEETI's existence, 600 teenagers were involved. The Government also created in 1996 the National Council Against the Exploitation of Child Labor (CNETI), a multiagency body that coordinates government efforts to eliminate child labor. CNETI is the successor to the National Children's Rights Commission CCNCTI.

In a first-of-its-kind study, conducted in conjunction with the ILO in 1998, the Government polled 26,500 families, with separate questionnaires for parents and children, to try to measure the incidence of child labor. According to this survey, as many as 20,000 to 40,000 children under the age of 16 may be engaged in some form of labor. The majority of these cases consist of daily chores on family farms, which do not prevent school attendance. However, the study estimates that as many as 11,000 children may be working for nonfamily employers, a figure that represents 0.2 percent of the labor force. The next comprehensive study of the problem is scheduled for April 2001.

The key enforcement mechanisms of labor laws falls to labor inspectors. Because of an increase in the minimum working age from 15 to 16 in 1997, the total number of child labor cases has increased in the last few years. However, according to the Ministry of Labor and Equality, the incidence of child labor is decreasing as a result of government efforts to combat child labor and a move towards a higher technology industrial base (with a corresponding need for better educated and skilled labor). The Ministry reported a 74 percent decrease in child labor cases from 1997 to 2000. The Minister of Labor attributed this decrease to the extensive reorganization of



groups fighting this problem and the effectiveness of new programs being carried out. Portugal's fight against exploitative child labor is no longer limited to inspectors' visits to factories and farms, but includes policies designed to address some of the root causes of this problem.

*e. Acceptable Conditions of Work.*—Minimum wage legislation covers full-time workers as well as rural workers and domestic employees ages 18 years and over. For 2000 the monthly minimum wage was approximately \$284 (63,800 escudos). Along with widespread rent controls, basic food and utility subsidies, and phased implementation of an assured minimum income, the minimum wage affords a basic standard of living for a worker and family. Only 9.2 percent of the work force received the minimum wage.

Employees generally receive 14 months' pay for 11 months' work: the extra 3 months' pay are for a Christmas bonus, a vacation subsidy, and 22 days of annual leave. The maximum legal workday is 8 hours, and the maximum workweek is 40 hours. There is a maximum of 2 hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Employment and Social Security monitors compliance through its regional inspectors.

Employers legally are responsible for accidents at work and are required by law to carry accident insurance. An existing body of legislation regulates safety and health, but labor unions continue to argue for stiffer laws. The General Directorate of Hygiene and Labor Security develops safety standards in harmony with European Union standards, and the General Labor Inspectorate is responsible for their enforcement. However, the Inspectorate lacks sufficient funds and inspectors to combat the problem of work accidents effectively. Workers injured on the job rarely initiate lawsuits. A relatively large proportion of accidents occurs in the construction industry. Poor environmental controls in textile production also cause considerable concern.

While the ability of workers to remove themselves from situations where these hazards exist is limited, it is difficult to fire workers for any reason.

*f. Trafficking in Persons.*—Specific legislation prohibits trafficking in persons, which nevertheless is a problem. Under the Penal Code, trafficking in persons is punishable by 2 to 8 years' imprisonment. Parliament passed legislation during the year that established training programs for those who provide services for victims of trafficking. The Commission for Equality and Women's Rights has two working groups, one to oversee the training of social service workers and the other to inform victims of their legal rights; both are providing services.

However, trafficking in women for the purpose of forced prostitution continues to be a problem. International trafficking rings take Portuguese women abroad, often to Spain, and bring foreign women to Portugal. The Portuguese women involved tend to be from poorer areas and are often, but not always, drug users. Women from Brazil and from Lusophone Africa also are involved, as are women from non-Lusophone countries such as Senegal.

Russian mafia organizations are present in the country in increasing numbers, largely as the networks behind the trafficking in Eastern European women. One such network reportedly sells Moldovan and Ukrainian women for the equivalent of around \$4,000 each. The authorities broke up one such ring in 1999 that was headed by a nuclear scientist from the former Soviet Union.

## ROMANIA

Romania is a constitutional democracy with a multiparty, bicameral parliamentary system. Prior to the end-of-year elections, Prime Minister Mugur Isarescu was the Head of Government, and President Emil Constantinescu, who was elected directly, was the Head of State. On December 29, Adrian Nastase was sworn into office as the new Prime Minister, and Ion Iliescu was elected President on December 10. The judiciary is a separate branch of the Government; however, in practice the executive branch exercises influence over the judiciary.

Several different security forces are responsible for preserving law and order and protecting against external threats. The laws that established these organizations are somewhat vague, and their security responsibilities overlap. All security and intelligence organizations operate under the authority of civilian leadership. The Ministry of the Interior supervises the national police, which have primary responsibility for security, and the border police. Some police officers committed serious human rights abuses.

Romania is a middle-income, developing country in transition from a centrally planned economy to a market economy. The private sector accounted for 61.5 percent of gross domestic product (GDP) and employed 61.9 percent of the work force, primarily in agriculture, commerce, and services. Although privatization is under way, government ownership remains dominant in the industrial sector. From 1993 through October 2000, 7,108 firms were privatized; 1,162 during the year. Approximately 1,200 firms are left in the State Privatization Fund's portfolio, including several of the country's largest firms. The economy contracted 6.6 percent in 1997, 5.4 percent in 1998, and 3.2 percent in 1999. However, GDP grew 2 percent during the year. GDP per capita in 1999 was about \$1,512. Exports decreased 1.5 percent in 1998 and rose 2.4 percent in 1999. Inflation increased from 40.6 percent in 1998 to 54.8 percent in 1999. Official statistics significantly understated economic activity because of the size of the informal economy.

The Government generally respected the rights of its citizens; however, several serious problems remained. Police use of excessive force resulted in one death. Some police officers continued to beat detainees. The Government investigated police officers suspected of abuse and in some cases indicted those accused of criminal activities in military courts. However, investigations of police abuses generally are lengthy and inconclusive and rarely result in prosecution or punishment. While some progress was made in reforming the police, cases of inhuman and degrading treatment continue to be reported. The Government promised important modifications to the criminal code in 1998, but no such changes were made. Prison conditions did not meet minimum international standards, and overcrowding remained a serious problem, despite improvements made in 1999. The judiciary remained subject to executive branch influence. Violence and discrimination against women remained serious problems. There was a large number of impoverished homeless children in large cities. Societal harassment of religious minorities still remained a problem, and religious groups not officially recognized by the Government sometimes complain that they receive discriminatory treatment from the authorities. Discrimination and instances of societal violence against Roma continued. Child labor was a problem. Trafficking in women and girls for the purpose of forced prostitution was a problem.

The Ombudsman's Office, which was established in 1997, registered 3,326 complaints as of early September 2000, 4,372 complaints in 1999, 2,985 in 1998, and 1,168 in 1997. The Ombudsman's role still is not fully clear to the public. Many complaints were rejected because they related to problems with the judiciary and not the administration.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political killings; however, Amnesty International and APADOR-CH, a nongovernmental organization (NGO) affiliated with the International Helsinki Federation, reported one case in which police used excessive lethal force against a member of the Romani minority.

On May 21, a police officer shot and killed Petre Letea, a Romani man, and wounded Marian Pilos in Bucharest as they were attempting to escape in a car. Police had stopped to ask Letea what he was doing in a parked car by an apartment block. When told that he was waiting for two friends, police entered the apartment block and found two men attempting to burglarize an apartment. The men fled. One disappeared, while the other, Pilos, got into Letea's car, and Letea drove away. The police officer who had remained on the street opened fire on the car, shooting Letea in the head and killing him and wounding Pilos with a shot in the back. A 1994 law on the organization of the police force allows police to shoot in order to stop persons who are fleeing from attempts to take them into custody. The law also allows the use of firearms against persons who have escaped detention or run away from an escort.

On November 30, Sorin Moldovan, deputy chairman of the Hunedoara County branch of the Party of Social Democracy in Romania (PDSR) was killed by an unknown assailant. It was unclear whether the murder was politically motivated. Moldovan was the head of the Hunedoara customs office and had been sentenced for taking bribes in 1997; the Supreme Court later lifted his sentence.

In several cases of deaths in custody or deaths reportedly due to police brutality during 1999, investigations and trials still are dragging on. There was no progress in the investigation of the death of Aurel Uluiteanu in police custody in September 1999 in Barcanesti. There were no further developments in the case of Cristian-Venus Dumitrescu, who allegedly was beaten by police in September 1999 and died

after he “threw” himself out of a third floor window en route to a police station. There was no progress in the investigation of the death of Sevastian Apostol, a Rom killed by police while trying to flee a bar where he had a serious conflict with the owner and other clients. There was no further investigation into the August 1999 case of Elinoiu Toader, who died after being beaten by police. There was no further investigation into the killing of Radu Marian, an unarmed Rom who was killed in October 1999 during a police raid on a group of cigarette smugglers.

According to the Government, the chief of police in Valcele was indicted in June 1999 for the illegal use of his weapon in the 1996 killing of Mircea-Muresul Mosor, a Rom from Comani who was shot in the back and killed while in police custody. A lower court found the police officer not guilty, but the prosecutor’s office appealed the verdict in May 1999; the superior court’s decision still was pending at year’s end.

In several earlier cases of deaths in custody or deaths reportedly due to police brutality, investigations and trials still are dragging on, years later.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and other Cruel, Inhuman, or Degrading.*—Treatment or Punishment

The Constitution prohibits torture and inhuman or degrading punishment or treatment, and these prohibitions generally were respected in practice; however, there were credible reports that police beat detainees and used excessive force.

Amnesty International cited numerous reports of torture and mistreatment. In 1999 in seeking to cover up the death of Elinoiu Toader, a witness allegedly was beaten to induce him to sign a statement that Toader had died as a result of alcohol abuse. At least two other witnesses were threatened similarly (see Section 1.a.).

Romani NGO’s claimed that police used excessive force against Roma and also subjected them to brutal treatment and harassment (see Section 5). In one case excessive force reportedly resulted in death (see Section 1.a.).

On January 8, Constantin Vrabie, of Candesti, was beaten severely by police officers in Buzau County. In December 1999, Vrabie had been fined approximately \$30 (600,000 lei) for failure to produce identification and insulting the police. On the evening of January 8 Vrabie, a friend named Valentin Barbu, and two more friends were stopped by three plainclothes policemen who took Vrabie and Barbu to a van and allegedly beat them. The two men were then taken to the Buzau police station. Vrabie was reportedly fined \$10 (200,000 lei) for insulting the police and Barbu was admonished. Medical examination of Vrabie by the Buzau county hospital after he was released noted that he had massive bruises on his eye, lip, and forehead. Marks on Vrabie’s lips and eye were still obvious on February 4 when he was interviewed by APADOR-CH representatives. Vrabie reportedly filed a complaint with the military prosecutor’s office and challenged his fine. Barbu also reportedly filed a complaint.

On January 25, Silviu Rosioru from Buzau County became involved in an altercation with several police officers from the Buzau intervention unit in a bar. The police threw Rosioru to the floor, handcuffed him, kicked him, and beat him with their batons. Rosioru was placed into a police van and then beaten on the way to Buzau police station. Rosioru was fined \$10 (200,000 lei) for insulting the bar owner and refusing a reasonable request to provide personal identification. Rosioru claims that his signature was falsified on his police report, which claimed that he confessed to these crimes. Police officers allegedly subjected a witness to the incident to pressure and intimidation to ensure that her statement was consistent with police reports. The chief of the Buzau intervention unit was reported by local press reports to have a record of violence. As a result of this case and the Vrabie case, both involving the Buzau County intervention unit, several police officers in the unit, including the commander, were administratively sanctioned, and several were removed from the unit.

On February 14, Alexandru Botu, of Prunaru village in the county of Teleorman, was reportedly beaten seriously by police. Botu had stopped in front of the shop S.C. Dina to talk to some acquaintances. The shop owner, the brother of Prunaru’s mayor, had had an altercation with Botu’s brother, beating him, in January. Botu finished his conversation and began to cross the street when he was stopped by the police chief and his deputy and led back to the shop. The shop owner closed the shop and its blinds and left. The policemen proceeded to beat Botu for about half an hour. A villager who heard Botu scream alerted Botu’s wife, who rushed to the shop and took Botu home. The next day he was taken to Alexandria hospital where he was diagnosed with a series of deep bruises and two broken ribs. When interviewed by APADOR-CH representatives a month later he was still in poor physical condition.

On May 18, in Bucharest a police officer shot Mugurel Soare, a Romani man, in the head and severely injured him. Police reports claimed that Soare and his brother, Vipan Soare, were chasing their former brother-in-law, Sorin Cutea, in order to

kill him. When detained by three plainclothes policeman sitting nearby in an unmarked car, who been informed of the chase by Sorin Cutea, Soare attacked one officer, allegedly injuring him with a knife, and was shot in the scuffle that followed. However, local newspapers later reported that witnesses to the incident claimed that Soare was unarmed. Soare's right side remains paralyzed, and he is unable to speak. He is reportedly unlikely to make a full recovery. The case remained under investigation.

Police reportedly abused journalists (see Section 2.a.).

In April 1998, a policeman with whom he had refused to share a pool game beat Nicolae Iloaie of Tandareni. Iloaie was hospitalized for 90 days. When he asked for a certified medical report for the forensic laboratory, the physician in charge refused to issue it. The case remained under investigation. In May 1998, a policeman shot Marian Ciulei from Brasov in the leg while he was running from a confrontation in a discotheque. The case remained under investigation.

In April 1998, the Government responded to the 1997 report of the U.N. Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Special Rapporteur received allegations of torture and mistreatment of detainees by the police. The Government in its response promised in 1998 to make modifications to the criminal code and to detention regulations, but no such modifications have been made.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticize this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive, and that some military prosecutors sometimes block proper investigation of alleged police abuses. The Government declined to provide updated information on cases of alleged police abuse from 1998 and 1997.

Prison conditions do not meet minimum international standards; however, the prison system is improving slowly as efforts increase to bring prisons in line with these requirements. The year's prison budget increased 74 percent over the 1999 budget. There are now a total of 41 penal units, 34 prisons, (an increase from 33 prisons in 1999), 5 prison hospitals, and 2 juvenile detention facilities. Nevertheless, overcrowding remains a serious problem, although it has improved slightly from 1999. On September 22, 49,540 people, including 1,571 minors, were under detention. The legal capacity of the system was 33,464.

In May 1999 a law providing for alternative sentences for minor offenses went into effect. The law provides for community service instead of a prison sentence and is aimed at reducing the prison population.

Human rights organizations continued to report the abuse of prisoners by other prisoners and prison authorities. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semiofficial charge of other prisoners. There were attempts to ameliorate this system in some prisons by giving the inmates some input in the selection of these "cell bosses." Prison guards wore firearms only when guarding prisoners working outside the prison, correspondence was no longer opened routinely, and inmates had the right to telephone calls. Prison authorities introduced some vocational training programs to assist inmates' future integration into society.

The Government permitted prison visits by human rights monitors, and several NGO's made such visits.

*d. Arbitrary Arrest, Detention, or Exile.*—The law forbids the detention of anyone for more than 24 hours without an arrest warrant from a prosecutor, who may order detention for up to 30 days, and authorities generally respected this provision in practice. Detention can be extended past the 30-day limit only by a court ruling. Detainees have the right to apply for bail and may ask for a hearing before a judge. Such a request must be granted within 24 hours.

However, police often appear to take advantage of Article 16, Section b in the Police Organization Law 26 of 1994, which states that persons endangering the public, other people, or social order and whose identity cannot be established, can be taken to a police station. Police often use this provision of the law to detain people for up to 24 hours at a police station.

Police often do not inform citizens of their rights. The law requires the authorities to inform arrestees of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a statement. However, the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest.

Under the law, minors detained by police and placed under guard in a center for the protection of minors are considered by judicial authorities to be in detention or under arrest if their age is more than 16, or, if aged between 14 and 16, they have

consciously committed a crime. However, since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police are permitted to question them without restriction and may hold those suspected of criminal offenses for up to 30 days in such centers. This law appears to be in conflict with the Constitution, and both Amnesty International and local human rights groups have called on the Government to change it.

According to APADOR-CH, the Interior Ministry issued new instructions on detention in 1999 that provide for the confidentiality of discussions between detainees and their lawyers.

Exile was not used as a means of punishment.

*e. Denial of Fair Public Trial.*—Under the terms of a 1992 law, the judicial branch is independent of other government branches; however, it remains subject to influence by the executive branch. Although members of the Senior Council of Magistrates, which controls the selection, promotion, transfer and sanctioning of judges, are appointed by Parliament from a list provided by the courts and prosecutorial offices represented on the council, the Justice Minister may avoid the appointment of members he does not want by simply keeping them off the agenda.

The 1992 law reestablished a four-tier legal system, including appellate courts, which had ceased to exist under Communist rule. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court. The 1992 law that reorganized the judicial system divided the Prosecutor General's Office into 16 local offices (paralleling the appeals court structure) and established an office at the Supreme Court; the law also curtailed certain powers of the Prosecutor General, including the right to overturn court decisions and bypass appeals courts by going directly to the Supreme Court.

The law provides for fair public trial and the presumption of innocence. The Penal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. In practice the local bar association provides attorneys to the indigent and is compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. These provisions of the law are respected in practice. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court.

In a notable case in January 1999, a criminal appeals court ruled against miners' union leader Miron Cozma and overturned the Government's implicit deal to protect Cozma from prosecution for his role in a miner's strike.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—During the year there were no reported instances of interference with individual citizens' right to privacy.

The Constitution provides for protection against the search of a residence without a warrant, but this protection is subordinate to "national security or public order." The 1992 National Security Law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection but also totalitarian, racist, and anti-Semitic actions or attempts to change the existing national borders. Security officials may enter residences without proper authorization from a prosecutor if they deem a threat to national security "imminent."

The Constitution states that the privacy of legal means of communication is inviolable; thus, the Romanian Internal Intelligence Service (SRI) is prohibited legally from engaging in political acts (for example, wiretapping on behalf of the Government for political reasons). However, the law allows the security services to monitor communications on national security grounds after obtaining authorization. The law requires the SRI to obtain a warrant from the "public prosecutor specially appointed by the General Public Prosecutor" in order to carry out intelligence activities involving "threats to national security." It may engage legally in a wide variety of operations to determine if a situation meets the legal definition of a threat to national security, or to prevent a crime.

Legislation that permits citizens access to secret police files kept by the Communist government was passed in 1999. Under the law, any Romanian or foreign citizen who had Romanian citizenship after 1945 is entitled to have access to his file; a council approved by Parliament reviews the files and release the information unless it was a state secret or could threaten national security. The files remain in the custody of Romania's intelligence services. This law has been criticized on the grounds that it exempts files of current employees of the intelligence services for review, and changes the definition of informer to require actual payment. Many informers were unpaid volunteers.

The NGO Romani CRISS reported that on September 26, police evicted 12 Romani families from an apartment building in Bucharest. According to the testi-

many of the evicted Roma, they did not receive prior notice of the evictions, nor did the police present them with warrants for eviction. During the eviction police reportedly intimidated and harassed the families. The police station chief stated that the eviction was conducted pursuant to the permission of the prosecutor's office of the Sector Three Court of Bucharest. A spokesperson for the Bucharest city government stated that the Roma were illegally occupying the building and that they were housed in a hostel after their eviction.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—Although the Constitution provides for freedom of expression and prohibits censorship, it limits the bounds of free expression by prohibiting “defamation of the country” and “offense to authority;” the Government respected the constitutional provisions in practice.

An amended Penal Code passed by Parliament in 1996 rectified many of the shortcomings of the former, Communist-era code. However, the new version is criticized by human rights organizations and professional journalists for retaining jail terms for those convicted of libel or slander, including journalists. Despite official promises that jail terms would be removed from penalties for libel and calumny, Parliament has yet to amend the relevant sections of the Penal Code. Consequently, Articles 205 and 206 concerning libel and calumny and articles 238 and 239 concerning offense to authority and defamation of character are still in force.

On the recommendation of the Council of Europe, legislation that would reduce the sentence for violating Article 205 to a fine instead of a prison term, and that would decrease a violation of Article 206 to 3 to 12 months instead of the previous 2 to 6 years passed the Chamber of Deputies in June. This legislative package would have abolished Article 238, which criminalizes an offense against authority, along with Article 239, paragraph 1, which establishes a crime of verbal outrage against the authorities. However, the legislation failed to pass in the Senate during the year.

The Government failed to rescind the prohibitions on “defamation of the nation” and “defamation of public officials” used to harass and punish journalists who report governmental or bureaucratic corruption. In 1999 several journalists were arrested and tried during the year for reporting on corruption by local government officials; journalists who were investigating corruption cases were also targets of violence.

There were reports of police abuse of journalists. In May police severely beat Valentin Dragin, a Constanta-based journalist, while he was trying to photograph a party hosted by Constanta County's police chief. Dragan suffered several injuries, including a broken leg. He received most of his injuries from press officer Major Marian Saragea. The Interior Ministry still was investigating the matter.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers are published. Several private television stations broadcast nationwide, with the largest reaching approximately 20 percent of the rural and 80 percent of the urban market. There are 72 private television stations and 162 private radio stations. Approximately 2.8 million households were wired for cable, giving significant portions of the population access to both private and foreign broadcasts. Romanian State Television (RTV) and Radio Romania remained at year's end the only national broadcasters capable of reaching the bulk of the rural population. Independent stations continued to enlarge their coverage throughout the country by over-the-air, cable, and satellite transmissions. A French media group received a license for a private radio nationwide broadcasting operation in 1999 and is operating. Romania plans to bid licenses for another nationwide radio license in the future.

Foreign news publications may be imported and distributed freely, but high costs, relative to domestic publications, limit their circulation.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government respected that right in practice. The law on public assembly provides for the right of citizens to assemble peacefully while unarmed but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of demonstrations must inform local authorities and police before the event. Authorities may forbid a public gathering by notifying the organizers in writing within 48 hours of receipt of the request. The law prohibits the organization of, or participation in, a counterdemonstration held at the same time as a scheduled public gathering.

The law forbids public gatherings to espouse Communist, racist, or Fascist ideologies or to commit actions contrary to public order or national security. Unau-

thorized demonstrations or other violations are punished by imprisonment and fines.

The Constitution provides for freedom of association, and the Government respects this right in practice. Political parties gain legal status if they have at least 10,000 members. (The minimum membership required was increased in 1996 in order to reduce the number of small parties.) Associations may be granted legal status with proof of only 20 founding members and over 200 supporting members.

*c. Freedom of Religion.*—The Constitution provides for religious freedom, and the Government generally does not impede the observance of religious belief. However, several denominations continued to make credible allegations that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytizing. The press reported several instances when adherents of minority religions were prevented by others from practicing their faith, and local law enforcement authorities did not protect them. Members of religious communities not officially recognized by the Government during the year again accused government officials of harassment—allegations denied by the Government. Proselytizing that involves denigrating recognized churches is perceived as provocative.

Under the provisions of a 1948 decree, the Government recognizes 14 religions. A December 1989 decree reestablished the Catholic Church of the Byzantine rite, or Greek Catholic Church, which had been merged forcibly with the Romanian Orthodox Church by the communists in 1948. Only the clergy of these 15 recognized religions are eligible to receive state financial support. The number of adherents each religion had in the last census determines the proportion of the budget each recognized religion receives. Representatives of minority religious groups dispute the 1992 census results, claiming that census takers in some cases argued with citizens over their religious affiliation or simply assigned an affiliation in some cases even without inquiring about religious affiliation.

The Government requires religious groups to register. To be recognized as a religion, religious groups must register with the State Secretariat for Religious Denominations and present their statutes, organizational, leadership, and management diagrams, and the body of dogma and doctrines formally stated by a religion. Representatives of religious groups that sought recognition after 1990 allege that the registration process was arbitrary and unduly influenced by the Romanian Orthodox Church. They also allege that they did not receive clear instructions concerning the requirements and that often the time frame in which a decision on their application has to be made is not respected by the State Secretary of Religions. Not one religious group has succeeded in receiving religion status since 1990. For example, although the Romanian Supreme Court has recognized that Jehovah's Witnesses are a religion, the State Secretariat for Cults and the Military Court of Appeals refuse to do so.

The Government registers religious groups that it does not recognize as "independent religions" either as religious and charitable foundations or as cultural associations. This registration process was simplified, in theory, by a new law enacted on May 1. The Government currently interprets this law as forbidding religious groups registered as associations or foundations from building churches or other buildings designated as houses of worship.

The Romanian Orthodox Church, to which approximately 86 percent of the population nominally adheres, predominates. The official registration of religious associations is extremely slow because of bureaucratic delays; in this regard, smaller religious groups have criticized the State Secretariat for Religious Affairs for its obstructionist tactics in favor of the Romanian Orthodox Church. A draft bill on religious denominations proposed in September 1999, which most religious groups objected to on the grounds it would have increased state control over religious activity and made the Romanian Orthodox Church the national church, was withdrawn in February.

The Greek Catholic Church has made only limited progress in recovering its properties taken by the Romanian Orthodox Church after its forced merger in 1948. Of approximately 2,600 properties to which it has claim, only a handful have been returned. The Greek Catholics say they have received 136 churches, while the Government claims 142 churches have been returned as of this year. The Greek Catholic Church has very few places of worship. Many followers still are compelled to hold services in public places or parks (260 such cases, according to Greek Catholic reports) because most of the former Greek Catholic churches have not been returned. A joint Orthodox and Greek Catholic committee formed by government decree in 1990 has failed to resolve the issue due to Orthodox resistance, despite the scaling back of the Greek Catholic requests from 2,600 properties to 300 churches. Restitution of the existing churches is important to both sides because local residents, who prize tradition, are likely to attend their local church whether it is Greek Catholic

or Orthodox. Thus the number of believers and share of the state budget allocation for religions is at stake. The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, largely have not received their property back from the Government. Out of 1,400 to 1,450 buildings claimed by the Hungarian churches, they have received about 10. The Jewish community reported in May that out of 21 properties nominally returned by the Government, it only has obtained actual possession of 5.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government places no restrictions on travel within the country, except for certain small areas reserved for military purposes. Citizens who wish to change their place of work or residence do not face any official barriers. The law stipulates that citizens have the right to travel abroad freely, to emigrate, and to return. In practice citizens freely exercise these rights.

The 1996 refugee law implemented the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. This legislation established a refugee office in the Interior Ministry to receive, process, and house asylum seekers. The Ministry received 807 applications for asylum in the first 6 months of 1999; more recent figures were unavailable.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. In mid-1998 the Interior Ministry and the Labor Ministry began funding programs to assist asylum seekers and refugees. Financial support provided by the Government (reimbursable loans for a period of 6 to 9 months) is minimal, usually not enough to cover basic needs. The Government provides temporary accommodation in only a few locations; more facilities are to open as funds are made available. Programs for integrating refugees into society are developing slowly. An increasing number of transiting illegal migrants regards the country as a springboard to the West.

There were no reports during the year of the forced return of persons to a country where they feared persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government through periodic and free elections held on the basis of universal suffrage, and citizens exercise this right in practice.

In November and December the left-center Democratic Socialist Party of Romania (PDSR) won a near majority in the legislature and the PDSR candidate, Ion Iliescu, won the Romanian presidency. The PDSR planned to govern as a minority government. The extremist, xenophobic Greater Romania Party (PRM) won the next largest share of parliamentary and presidential votes. Allegations of widespread voting fraud by the losing PRM candidate, Corneliu Vadim Tudor, were not judged credible.

No legal restrictions hinder the participation of women in government or politics; however, societal attitudes are a significant impediment, and women are underrepresented significantly in government and politics. Before the November 26 elections, there were 2 women out of 143 senators, and 25 women out of the 343 deputies in the lower house of Parliament, or 5.6 percent of total seats in Parliament. However, after the November elections, the percent of women in Parliament increased to 9.8 percent. Prior to the November elections, there was one female cabinet member; the current cabinet has five female members.

The Constitution and electoral legislation grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains at least 5 percent of the average number of valid votes needed to elect a deputy outright (1,784 votes in the 1996 elections). Organizations representing 15 minority groups elected deputies under this provision in 1996. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are underrepresented in Parliament because of low Roma voter turnout and internal divisions that worked against the consolidation of votes for one candidate, organization, or party. One Romani parliamentarian, the former Romani minority representative, joined the PDSR and sits in the legislature in addition to the one seat provided for Roma by the Constitution and electoral legislation.

### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Domestic human rights monitoring groups include the Romanian Helsinki Committee (APADOR-CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Insti-



tute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and the Center for Crisis Intervention and Study, also a Romani NGO. Other groups, such as political parties and trade unions, continued to maintain sections monitoring the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

The Government cooperates with local and international monitoring groups, although some offices are slow to respond to inquiries. Local human rights monitoring agencies have found it difficult to obtain statistics concerning police abuses. The General Inspectorate of Police, which is responsible for investigating such abuses, responds unevenly to inquiries from monitors. Often victims are reluctant to come forward, and the Government does not promote transparency in this regard.

The Ministry of the Interior stiffened conditions for prison visits by human rights organizations in February. The new regulations, which are authorized by internal regulations the Ministry does not release to the public, require the visit be requested by a prisoner, and be announced 3 to 4 days in advance.

With the aim of protecting citizens against abuses or capricious acts of public officers, the Ombudsman's Office envisioned under the 1991 Constitution was instituted by law in March 1997, and its first appointee, Paul Mitroi, took office in June 1997. However, due to a lack of office space, the office began working at normal capacity only at the beginning of 1998; by November it had received 4,255 cases. The office is registering these complaints and is obliged by law to provide an initial response within a year of the date they were recorded. It deals not just with human rights but with all facets of citizens' interaction with the Government.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion and political allegiance, wealth, or social background. However, in practice the Government does not enforce these provisions effectively, and women, Roma, and other minorities are subject to various forms of extralegal discrimination. Homosexuals reportedly have been the victims of police brutality in the past.

In September the Government issued emergency ordinance number 137 which outlaws discrimination based on a number of factors and introduces the ability to sue on the grounds of discrimination. An emergency ordinance has the effect of law unless it is nullified by the Parliament.

*Women.*—Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups credibly reported that domestic violence is common, and a 1999 report by the U.N. Children's Fund (UNICEF) emphasized that violence against women in the workplace is not uncommon since their subordinate position exposes them to greater risk. According to UNICEF, the country has an average of 108 sexual incidents per 1,000 women and 41 assaults per 1,000 women. Under a government pilot project begun in 1997, a shelter for victims of domestic violence opened in Bucharest in 1997. The shelter can accommodate only four persons. It received 490 calls for help during 1998 on a hot line, and registered 230 walk-in victims. The prosecution of rape is difficult because it requires both a medical certificate and a witness, and a rapist can avoid punishment if he marries the victim. There is no specific legislation dealing with spousal abuse or rape, and successful prosecution of spousal rape is almost impossible. Police are often reluctant to intervene in instances of domestic violence.

In April the Romanian edition of Playboy published a satirical article that explained in graphic detail how to beat one's wife without leaving marks. International and domestic protests led to apologies by Playboy's foreign editors and local publisher, and in July the Romanian edition of Playboy published an article on the costs of domestic violence.

Trafficking in women for the purpose of forced prostitution continues to be a growing problem. Several domestic prostitution rings are active (see Section 6.f.).

The Constitution grants women and men equal rights. However, in practice the Government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues.

Few resources are available for women who experience economic discrimination. Despite existing laws and educational equality, women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. In 1996 the Government created a department in the Ministry of Labor and Social Protection to advance women's concerns and family policies. This department organizes programs for women, proposes new laws, monitors legislation for sexual bias, targets resources to train women for skilled profes-

sions, and addresses the problems of single mothers, especially in rural areas. In 1998 this department organized with the U.N. Development Program a series of conferences on "promoting gender politics." An Ombudsman was created within the department for child, woman, and family protection in 1998, but the total budget for women's programs for 1999 was less than \$75,000.

*Children.*—The Government administers health care and public education programs for children, despite scarce domestic resources. International agencies and NGO's supplement government programs in these areas. However, living conditions in all child care institutions very seriously deteriorated in 1999 for financial and administrative reasons and did not improve during the year. Inspectors who visited institutions and identified humanitarian needs at the request of the European Union Commission reported that while conditions were not equally bad in all institutions, the general situation in the summer could only be described as unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to official statistics, there were approximately 60,000 orphans in state institutions.

There was no perceptible societal pattern of abuse against children. Nevertheless large numbers of impoverished and apparently homeless, but not necessarily orphaned, children were seen on the streets of the larger cities. The Government does not have statistics defining the scope of the problem. NGO's working with children remained particularly concerned about the number of minors detained in jail and prison. These NGO's continued to seek alternative solutions, such as parole for juveniles. Because time served while awaiting trial counts as part of the prison sentence but does not count towards time to be served in a juvenile detention center, some minors actually requested prison sentences.

The prevalence of child labor in the Roma community is widespread (see Section 6.d.).

The sexual exploitation of children continued to attract press attention, and the police staged a few high-publicity arrests of foreign pedophiles. Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.). Other issues, such as adequate legislation to protect children, received less attention. The law does not outlaw pedophilia expressly. Instead, pedophiles are charged with rape, corporal harm, and sexual corruption.

*People with Disabilities.*—Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Many disabled persons cannot make use of government-provided transportation discounts because public transport does not have facilitated access. The law does not mandate accessibility for the disabled to buildings and public transportation. According to official statistics, there were 3,500 disabled children living in state institutions.

*Religious Minorities.*—Most mainstream politicians publicly have criticized anti-Semitism, racism, and xenophobia. However, the fringe press continued to publish anti-Semitic harangues. The Romanian Orthodox Church has attacked the "aggressive proselytism" of Protestant and neo-Protestant groups.

In October a 19th century synagogue in Timisoara was vandalized and several religious items were stolen. A Jewish cemetery was desecrated in Turnu-Severin. There was no progress in the investigations of the desecrations of Jewish cemeteries in Galati and Transylvania in 1999. On December 28, two men attacked a guard at the Jewish History Museum in Bucharest and vandalized the exhibit. No arrests had been made at year's end.

*National/Racial/Ethnic Minorities.*—The Department for the Protection of National Minorities has the responsibility to monitor the specific problems of persons belonging to ethnic minorities, to maintain contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities, and to investigate complaints.

Ethnic Hungarians, numbering more than 1.6 million, constitute the largest and most vocal minority, and their UDMR party was a coalition member in the ruling Government for most of the year. Many of the issues addressed in the Romanian-Hungarian treaty of 1996 were implemented. Progress was made on economic issues, high-level visits, and infrastructure improvements such as border crossings. A government decree on Hungarian-language minority education was enacted and went into force in 1999. The decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of Romania.

The Romani population, officially estimated by the Government at 400,000, is estimated by the European Commission to number between 1.1 and 1.5 million. The European Roma Rights Center (ERRC) reported a case of ethnically motivated violence against Vasile Florica, a Rom, and his family in April. Non-Romani villagers

in Palos repeatedly beat Florica and attacked his wife and children. Florica filed a complaint with the Military Prosecutor's Office against a police officer and four civilian perpetrators; the case remained under investigation. Romani groups complain of routine police brutality, prejudice, and racial harassment at the local level. Four people arrested, tried, and convicted in a 1993 incident in Hadareni, in which three Roma died in a house burning, were released in 2000 after serving their sentences. The victims are considering appealing to the European Court of Justice, arguing that the sentences given to the perpetrators were too light at 2 to 6 years.

In February Bucharest-based Roma organizations filed charges against Marcel Fluerau, a journalist for the National, for using racist language in an article. On March 21, Radio Free Europe/Radio Liberty reported that Minister of Foreign Affairs Petre Roman stated that the Government had an obligation to "protect 23 million Romanians against the few thousand Gypsies" who were damaging the country's image abroad. The NGO Romani CRISS reported a job announcement, posted in Bucharest's Third Sector Labor Force Office by a private firm called S.C. Guard, which stated, "no Roma accepted." Romani CRISS filed a complaint with the Ombudsman's Office but had not received a response as of October 10. There was no further progress on the ban on Roma in the Iasi County hospital, where Roma who cannot afford to pay for medical treatment and cannot prove that they have medical insurance provided by the State are banned from the hospital. Some steps have been taken toward establishing an institutional framework to improve the conditions of the Roma, but in practice little progress has been made. The Department for the Protection of National Minorities and a working group of Roma associations set up by the Roma community signed an agreement for drafting a strategy for the protection of the Roma minority. However, the Roma office within the GOR is still understaffed with two civil servants. Meanwhile, the Roma population continues to be subject to societal discrimination.

According to Human Rights Watch, the ERRC lodged applications against Romania with the European Court of Human Rights regarding cases of violence and destruction of property in Casinul Nou (1990) and Plaiesii de Sus (1991). These cases had been denied in Romanian courts in part because the statute of limitations had expired before they could initiate final appeals, due to the slowness of the court system. Police in both cases failed to conduct on-site investigations.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—All workers except certain public employees have the right to associate freely, engage in collective bargaining, and form and join labor unions without previous authorization. Intelligence, Ministry of Defense, and Ministry of Interior personnel are not allowed to unionize. Trade unions may acquire property, support their member's exercise of their profession, establish mutual insurance funds, print publications, set up cultural, teaching and research bodies, establish commercial enterprises and banks, and borrow money. Limitations on the right to strike apply only to industries that the Government considers critical to the public interest and to other public employees. No workers may be forced to join or withdraw from a union, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation. The majority of workers are members of about 18 nationwide trade union confederations and smaller independent trade unions.

The International Confederation of Free Trade Unions (ICFTU) 2000 "Annual Survey of Violations of Trade Union Rights" reported that violations of trade union rights continued in practice. The unions reported that the Government interfered in trade union activities, collective bargaining, and strikes. The requirements to register a union were excessive.

Amendments to Romania's 1991 law on labor disputes in November 1999 brought some improvements and eliminated many restrictions. It widened the scope of the right to strike, although it continues to be difficult to hold a legal strike because of lengthy and cumbersome procedures. Union members complained that unions must submit their grievances to government-sponsored conciliation before initiating a strike, and they were frustrated with the courts' propensity to declare illegal the majority of strikes on which they have been asked to rule. Past studies indicated that the labor legislation adopted in 1991 falls short of International Labor Organization (ILO) standards in several areas, including the free election of union representatives, binding arbitration, the financial liability of strike organizers, the restriction of eligibility for trade unions, and the restriction of eligibility for trade union membership and offices to "employees." Although the 1991 legislation supports collective bargaining as an institution, the contracts that result are not always enforceable in a consistent manner. Unions representing a wide range of economic sectors carried out strikes during the year, often protesting wage levels that did not

keep pace with the rate of inflation. Early in the year, railway workers went on strike and only returned after a court determination that their strike was illegal. Additionally public education was suspended for several weeks until the Government awarded back wages and a pay increase to teachers. Utility company employees, lawyers, defense industry workers, textile workers, and public finance workers also carried out strikes, pressing for higher wages during the year. While most of these strikes ended with government promises to improve wages and working conditions, union leaders complain that these agreements frequently are not implemented.

The November 1991 collective labor dispute law defined the conciliation, mediation, and arbitration procedures under which strikes can be conducted. An important provision from both the labor and management perspective was the establishment of tripartite arbitration panels. The list of arbitrators must be approved by the economic and social council where trade unions and employers associations each have one-third of the membership.

In January 1999 striking coal miners from the Jiu valley launched a march on Bucharest to protest mine closures. Due to previous violent miners' demonstrations the government denied them permission to march to Bucharest. Defying the Government decision, the miners continued on and attacked law enforcement officials. However, the Government succeeded in restoring order, and the perpetrators of the violence were arrested and tried.

The law stipulates that labor unions should be free from government or political party control, a provision that the Government has honored in practice. Unions are free to engage in political activity and have done so.

Labor unions may form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia and the National Union Bloc are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania is affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visit and advise domestic trade unionists.

*b. The Right to Organize and Bargain Collectively.*—Workers have the legal right to bargain collectively, but collective bargaining efforts are complicated by continued state control of most industrial enterprises and the absence of independent management representatives. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the Government. Public employees may bargain for everything except salaries, which are set by the Government. Antiunion discrimination is prohibited by law.

Labor legislation is applied uniformly throughout the country, including in the four free trade zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including that performed by children, and the Ministry of Labor and Social Protection generally enforces this prohibition; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years, but children as young as the age of 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working under dangerous or hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of from 2 months to 3 years, although there is no recent evidence of anyone being charged or convicted under this law. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry of Labor and Social Protection has the authority to impose fines and close sections of factories to ensure compliance with the law. There is no recent evidence of anyone being charged or convicted under this law. The Constitution prohibits forced and bonded child labor, and the Government generally enforces this provision; however, trafficking in girls is a problem (see Sections 5, 6.c., and 6.f.).

A department in the Office of the Prime Minister was established in 1997 responsible for child protection. Local organizations were established in the counties and city of Bucharest to enforce child labor laws. As of September, the Ministry of Labor and Social Protection confirmed that violations of the child labor laws have not been controlled.

There are no accurate statistics of the number of illegally employed children. However, there is growing recognition of the problem. The Ministry of Education reported that 500,000 children under the age of 15 left school in 1997–98, which is approximately 20 percent of the school-age population. The prevalence of child labor

in the Roma community is widespread (see Section 5). As the economy continues to restructure and as the gray market grows, the incidence of child labor is expected to increase. In March the ILO and the Ministry of Labor and Social Protection agreed to form a task force to collect data and assist in organizing a national steering committee to combat child labor. The first meeting of the committee was held on July 4. The ILO is to provide \$600,000 to assist 1,500 children to return to school.

*e. Acceptable Conditions of Work.*—Most wage rates are established through collective bargaining at the enterprise level. However, they are based on minimum wages for specific economic sectors and categories of workers that the government sets after negotiations with industry representatives and the labor confederations. Minimum wage rates generally are observed and enforced. During the year, the minimum monthly wage, an equivalent of about \$30 (700,000 lei), did not keep pace with inflation and did not provide a decent standard of living for a worker and family. Prices for utility services such as water and heating have risen dramatically. However, basic foodstuffs and pharmaceutical products still are subject to price ceilings. Housing is no longer subsidized. A proposal to raise the minimum wage to 1 million lei was approved in November.

The Labor Code of 1991 provides for a standard workweek of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the workweek, although most workers receive 2 days off. Paid holidays range from 18 to 24 days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations. The Labor Code was to be revised during the year. However, trade unions and business associations were not included in the drafting discussion. No agreement could be reached on changes and no new legislation was presented to Parliament by year's end.

Some labor organizations lobby for healthier, safer working conditions on behalf of their members. However, neither the government nor industry, which is still mostly state owned, has the resources necessary to improve significantly health and safety conditions in the workplace. The Ministry of Labor and Social Protection has established safety standards for most industries and is responsible for enforcing them. However, it lacks sufficient trained personnel for inspection and enforcement, and employers often ignore its recommendations. In 1999 a department was established within the Ministry to conduct comprehensive safety inspections. European Union PHARE funds have assisted in building capacity within the new department. Although they have the right to refuse dangerous work assignments, workers seldom invoke it in practice, appearing to value increased pay over a safe work environment.

*f. Trafficking in Persons.*—Trafficking in women is an underreported but serious problem. The law is vague and outdated and does not address trafficking directly. Those involved in trafficking may be prosecuted for such offenses as prostitution and procurement, falsifying documents, assisting individuals to cross borders illegally, blackmail, forced labor, or illegal deprivation of freedom.

Romania is both a source and a transit country for trafficked women and girls. The full extent of the problem is not known, since neither the Government nor NGO's maintain statistics on this issue; however, there is evidence that the problem is growing. The International Organization for Migration (IOM) office in the country reported that during the year about 141 women and girls were repatriated from sexual slavery by December, including 7 from Cambodia and 5 from Moldova. Figures for 1999 were less than 10. The number of individuals prosecuted for prostitution and procurement has been increasing since 1997, but this phenomenon appears to be partially due to an increased awareness of the problem among law enforcement officials as well as to an increase in the activities themselves. The IOM Romania estimates that as many as 20,000 women are trafficked from Romania each year.

It is estimated that there are between 20,000 to 22,000 illegal immigrants, and that part of this total is a result of illegal trafficking. According to official statistics, 28 groups that tried to transit the country illegally were discovered in 1998. Women reportedly were trafficked to Serbia, Macedonia, Turkey, Albania, Bosnia and Herzegovina, Greece, Italy, France, Germany, Hungary, the Netherlands, Poland, the United Arab Emirates, Japan and Cambodia. Romania remains a popular transit country for persons, especially women, being trafficked from the Republic of Moldova, Ukraine, and other parts of the former Soviet Union. Iasi and Timisoara are major centers. Romania is also a source country; in 1997 the Government of Turkey deported some 7,000 Romanian women. Authorities in the Netherlands broke up a trafficking ring late in 1999 that victimized some women from Romania. In May of this year, the Romanian embassy in Abu Dhabi had under its protection

3 Romanian women who alleged that they were brought to the United Arab Emirates under false pretenses and were forced to engage in prostitution. Their passports were allegedly confiscated by their traffickers. In August Cambodian police and U.N. human rights officers rescued seven women from Romania and Moldova who had been trafficked and forced into prostitution there.

Women often are recruited to work abroad by friends, relatives, or newspaper advertisements. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women are sold into prostitution by their parents or husbands or are kidnaped by trafficking rings. Ministry of Interior officials reported that trafficking rings appear to be operated primarily by Romanians. Several domestic prostitution rings are active.

No separate IOM statistics exist for children trafficked to other countries. The Romanian NGO Sanse Egale Pentru Femei (Equal Opportunities for Women) reports that cases of trafficking in children rose from 8 in 1997 to 43 in 1999. In 1998, the NGO Save the Children dealt with 101 cases of children, mostly Roma, being taken to Germany and Italy and being forced to work as beggars or petty thieves. Trafficking of girls for prostitution is also a problem. The country has an extensive system of orphanages with approximately 60,000 dependents, and many are complicit in letting girls escape into prostitution. Children forced out of orphanages between the ages of 16 and 18 often have no identity documents, very little education, and few, if any job skills. NGO's estimate that many girls from these orphanages fall victim to trafficking networks.

Legislation is generally inadequate to deal with this issue, and while the Government is beginning to recognize trafficking as a problem, it has not yet been able to mount any effective efforts to combat it. Corruption in the police force, particularly in local forces, also may contribute to the problem. Police officials often deny that Romania is a source country for trafficking; however, acceptance of the problem is slowly growing.

One problem raised by law enforcement officers is that victims transiting or leaving the country may be doing so voluntarily, under the false belief they are accepting legitimate jobs or are unaware of the exploitation they will face if they are aware that they are to be prostitutes. Victims returned to Romania in the past have been prosecuted for the crime of leaving the country illegally, reducing their willingness to return or to cooperate with law enforcement authorities. Because there is no legislation that directly addresses trafficking, victims have no way to press charges against traffickers. The law also does not ensure a woman's safety if she decides to speak out against a trafficker. Legislation for the protection of minors is similarly inadequate.

A very small number of local NGO's deal with trafficking issues. There are two shelters for victims of sexual abuse. Some NGO's expressed fear of reprisal from organized crime groups as a deterrent that prevents them from taking aggressive action against traffickers. NGO's are having some success in providing training for and working with local police forces on trafficking.

Awareness of human trafficking is low. No large-scale awareness campaigns have been launched to publicize the issue and the dangers of accepting employment abroad. The IOM, working with local NGO's, plans to start a campaign in 2001.

The Southeastern Europe Cooperation Initiative's task force on trafficking in human beings met twice during the year. As part of this initiative a seven man police unit of officers fully dedicated to combating human trafficking was established in November and December.

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## RUSSIA

The 1993 Constitution established a governmental structure with a strong head of state (a president), a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of the State Duma (lower house) and the Federation Council (upper house). Unlike its predecessor, this Duma is characterized by a strong pro-presidential center that puts a majority within reach of almost all presidential priorities. Both the President and the Duma were selected in competitive elections, with a broad range of political parties and movements contesting offices. President Vladimir Putin was elected in March, and Prime Minister Mikhail Kasyanov took office in May. Both the presidential elections and the December 1999 Duma Elections were judged by international observers to be largely free and fair, although in both cases pre-election manipulation of the media was a problem. There were credible reports in March of election fraud in some locations; however, there was no evidence that such abuses affected the outcome of the presidential election.

There were some modifications to the legislature and administrative structures; however, democratic institution building continues to face serious challenges, in part due to significant limitations on the state's financial resources. The judiciary, although still seriously impaired by a lack of resources and by high levels of corruption, has shown signs of limited independence.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of government. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operates with only limited oversight by the Procuracy and the courts. The primary mission of the armed forces is national defense, although they have been employed in local internal conflicts for which they are prepared inadequately, and they are available to control civil disturbances. Internal security threats in parts of the Russian Federation in some recent cases have been dealt with by militarized elements of the security services. These same organizations are tasked with domestic law enforcement. Members of the security forces, particularly within the internal affairs apparatus, continued to commit numerous, serious human rights abuses.

Economic recovery following the August 1998 financial crisis and the steep ruble devaluation continued to exceed expectations. Gross domestic product (GDP) grew 3.5 percent in 1999, and according to preliminary estimates was 7.6 percent in 2000. Industrial production increased by 9 percent in 2000. GDP was estimated at \$197.1 billion for the year. In 1999 inflation was 36.5 percent; by year's end it was 20.2 percent. The ruble's devaluation continued to give domestic producers a significant cost advantage over imported goods, although the ruble has appreciated approximately 10 percent since the 1998 crisis. Economic growth during the year was led by a recovery in domestic demand, with net exports contributing less than in previous years. Real income grew in the first half of the year by 8.7 percent, compared with the same period in 1999 but remained 10 percent lower than in 1998 and 25 percent lower than in 1997. Average wages increased to \$89 per month by year's end, compared with \$66 per month in the fall of 1999. However, approximately 36 percent of citizens continue to live below the official monthly subsistence level of \$35. Official unemployment was 10.2 percent, down from 12 percent at the beginning of the year. Reported levels of barter transactions—which make up a significant element in the economy—declined steadily in 1999, stabilizing during the last quarter of 1999 and the first quarter of the year. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in many areas, serious problems remain, including the independence and freedom of the media and the conditions of pre-trial detention and torture of prisoners. Its record was poor in Chechnya, where the Russian security forces demonstrated little respect for basic human rights and there were credible reports of serious violations. There were numerous reports of extrajudicial killings by both the Government and Chechen separatists. Beatings by security officials throughout the country resulted in numerous deaths and injuries. Law enforcement and correctional officials tortured and severely beat detainees and inmates. Police also beat, harassed, and extorted money from persons. Prison conditions continued to be extremely harsh and frequently life-threatening. According to human rights groups, approximately 11,000 detainees and prison inmates die in penitentiary facilities annually, some from beatings, but most as a result of overcrowding, inferior sanitary conditions, disease, and lack of medical care. The Government made little progress in combating abuses committed by soldiers, including "dedovshchina" (violent hazing of new recruits). Military justice systems consistent with democratic practices remained largely underdeveloped. While the military Procuracy reported decreases in the number of reported crimes and hazing incidents in 1999, human rights groups continued to receive the same number of complaints of such abuses and claimed that only about 10 to 12 percent of serious cases are reported. Existing laws on military courts, military service, and the rights of service members often contradict the Constitution, federal laws, and presidential decrees, elevating arbitrary judgments of unit commanders over the rule of law.

Arbitrary arrest and detention and police corruption remain problems. Police and other security forces in various parts of the country continued their practice of harassing citizens from the Caucasus, Central Asia, Africa, and darker-skinned persons in general through arbitrary searches, detention, beatings, and extortions on the pretext of fighting crime and enforcing residential registration requirements. In August human rights groups in Moscow complained of increased detentions of persons from the Caucasus. Lengthy pretrial detention remained a serious problem. Institutions such as the Ministry of Internal Affairs have attempted to educate officers

about safeguarding human rights during law enforcement activities through training provided by other countries; however, such institutions remain largely unreformed and have not yet adopted practices fully consistent with standards of law enforcement in a democratic society. The President and the Government were mostly silent about violations of human rights and democratic practice. While the President made statements about the need for a "dictatorship of law," the Government has not institutionalized the rule of law required to protect human rights. Most abuses occur at lower levels, but government officials do not investigate the majority of cases of abuse and rarely dismiss or discipline the perpetrators.

The Government made no progress during the year in the implementation of constitutional provisions for due process, fair and timely trial, and humane punishment. In addition the judiciary often was subject to manipulation by central and local political authorities and was plagued by large case backlogs and trial delays. There were some indications that the law was becoming an increasingly important tool for those seeking to protect human rights; however, serious problems remain. For example, in August the Procurator appealed the December 1999 ruling by a St. Petersburg judge that found Aleksandr Nikitin, a retired Soviet Navy captain and environmental reporter, not guilty on charges of treason and espionage. The Presidium of the Supreme Court rejected this appeal on September 13, ending Nikitin's four year legal battle with the FSB and the Procurator.

Authorities continued to infringe on citizens' privacy rights. Government technical regulations that require Internet service providers and telecommunications companies to invest in equipment that enables the FSB to monitor Internet traffic, telephone calls, and pagers without judicial approval caused serious concern. However, in response to a challenge by a St. Petersburg journalist, the Supreme Court ruled in September that the FSB is required to obtain and show court approval to telecommunications companies before it can proceed to initiate surveillance. Past practices raised questions among many observers about whether the FSB would abide by this ruling.

The Government's record on media freedom worsened and significant problems persist. There was persistent evidence of government pressure on the media. Federal, regional, and local governments continued to exert pressure on journalists by: initiating investigations by the federal tax police, FSB, and MVD of media companies such as independent Media-Most; selectively denying access to information (including, for example, statistics theoretically available to the public) and filming opportunities; demanding the right to approve certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence unduly the appointment of senior editors at regional and local newspapers and broadcast media organizations; and removing reporters from their jobs and bringing libel suits against them. The disappearance and subsequent arrest and prosecution of Radio Liberty reporter Andrey Babitskiy caused great concern, since there was credible evidence that the Babitskiy case was politically motivated and that units of the Federal Government were involved in trying to silence critical reporting about the Chechen conflict.

The Federal Government took few steps to mitigate the potentially discriminatory effects of a 1997 religion law that required national and local religious organizations to register or reregister with the Government. By year's end approximately 70 percent of religious organizations had managed to register or reregister their local organizations successfully. There were numerous reports that religious organizations from certain minority or "nontraditional" denominations either were denied registration or experienced long delays in reregistration. The delays in reregistration are in part due to the slow pace at which the federal Ministry of Justice at first disseminated the regulations and guidelines to local authorities and to understaffing both at the Ministry of Justice and at local levels. However, delays and rejections also are due in part to discrimination by some local officials. Religious organizations and human rights experts have suggested repeatedly that the law be amended to extend the period for reregistration to prevent a situation in which a large number of religious organizations are left unregistered and therefore vulnerable to legal liquidation by court order after year's end. No extension was implemented by year's end. While the previous presidential administration promised to implement measures to discourage local authorities from attempting to liquidate (i.e., eliminate the organization's status as a juridical person) unregistered religious organizations, President Putin and the Government did not comment on the law by year's end. Critics of the Religion Law fear that, while the law does not require the closure of unregistered religious organizations, that may be the practical effect of losing legal status. Discriminatory practices at the local level were attributable in part to the decentralization of power that took place during the Yeltsin administration, as well as



to government inaction and widely held discriminatory attitudes; it remains unclear whether President Putin's efforts to strengthen central authority throughout the country might in some cases affect the situation for religious minorities.

Despite constitutional protections for citizens' freedom of movement, the Government places some limits on this right, and some regional and local authorities (most notably the city of Moscow) restrict movement through residence registration mechanisms. These restrictions, although repeatedly challenged in city court (most recently in September with success by a human rights organization), remain largely in force and are tolerated by the Federal Government. The presence of these restrictions, which increased following terrorist bombings in September 1999 and were reinvigorated following an explosion in Moscow in August, demonstrated the continued obstacles to the enforcement of judicial rulings.

Government institutions intended to protect human rights are still weak and lack independence but are becoming more active. Human Rights Ombudsman Oleg Mironov has played an increasingly public role in promoting human rights, speaking out on human rights abuses in pretrial detention, Chechnya, psychiatry, and on religious freedom. Mironov has an office with 150 staff members who investigate human rights complaints and promote human rights education. The Presidential Human Rights Commission, chaired by Vladimir Kartashkin, also investigates human rights complaints and promotes human rights education. Kartashkin currently is working with the armed forces to introduce human rights training manuals for soldiers. Nonetheless, the Presidential Commission has not played a vital role and receives limited financial support from the Government. The Office of Vladimir Kalamonov, the Presidential Representative for Securing and Defending Human Rights and Freedoms in Chechnya, is understaffed, underfunded, and has as limited mandate. While Kalamonov worked with the Council of Europe and the nongovernmental organization Memorial, he lacked a prosecutorial mandate and even the independence and resources to monitor human rights abuses adequately. Nongovernmental organizations (NGO's) in the human rights field documented and reported on human rights violations; however, they also reported some limited governmental interference. Some environmental and human rights groups complained of harassment from the Procuracy, tax police, and the FSB. In August armed masked men accompanied by a local police official in uniform raided the office in Moscow of the Glasnost Public Foundation, a human rights organization, holding personnel at gunpoint for nearly 40 minutes.

Violence against women, and the abuse of children remain problems, as does discrimination against women and religious and ethnic minorities. People with disabilities continue to face immense problems from both societal attitudes and lack of governmental support. Societal discrimination, harassment, and violence against members of some religious minorities remained a problem. Although there were improvements in some areas, there were continued reports of religious violence in the North Caucasus and several serious anti-Semitic incidents to which the government did not adequately respond. There were credible allegations of politically motivated government interference in the internal affairs of the Jewish community. There are some limits on worker rights, and there were reports of instances of forced labor. Trafficking in women and young girls is a serious problem.

Chechen separatists reportedly committed abuses, including the killing of civilians and Russian security forces they captured. Government officials accused separatists of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999 and continuing into the year; hundreds of civilians were killed or injured.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no confirmed political killings by agents of the Government.

During the conflict in Chechnya in February, there were credible reports that the military used indiscriminate force in areas of significant civilian populations, resulting in numerous deaths (see Section 1.g.). There also were credible reports that military forces engaged in extrajudicial killings in Chechnya. For example, on February 5 Russian riot police and contract soldiers (men hired by the military for short-term service contracts) executed at least 60 civilians in Aldi and Chernorechiye, suburbs of Grozny. The perpetrators raped some of the victims and extorted money, later setting many houses on fire to destroy evidence. According to Human Rights Watch (HRW), authorities suspended their investigation of the incident, and there were no indications that those responsible for similar incidents in late 1999 were apprehended or punished (see Section 1.g.). According to the Presidential press service,

since the start of the second war in Chechnya, 35 cases relating to crimes committed by servicemen against the local population were initiated; seven have been found guilty. NGO's argue that this is only a fraction of the true number of cases and there is little or no progress in accountability. According to HRW, no one has been held accountable for the extrajudicial killings of 130 civilians in Alkjan-Yurt, Staropromyslovski, and Novye Aldi in late 1999 and 2000.

A number of government officials were murdered throughout the country. Some of these killings appear to have been politically motivated, connected with the ongoing strife in Chechnya, and others may be connected to local politics. For example, on December 5 Svetlana Semenova, SPS regional coordinator for the Leningrad Oblast was murdered; that same day the Mayor of Murom, Petr Kaurov was also murdered. It is not clear whether these incidents were politically motivated.

An estimated 11,000 detainees and prisoners died during the year (see Section 1.e.). Hazing in the armed forces resulted in the deaths of servicemen (see Section 1.c.).

On August 11, a bomb exploded in a crowded Moscow pedestrian way at the Pushkinskaya metro station, killing 12 people and injuring nearly 90. Government officials implied at first that Chechnya-based Islamic extremist groups were responsible for the bombing and arrested four Muslim suspects from the Northern Caucasus. However, investigators have not ruled out the possibility that the incident was a result of feuding between rival criminal gangs.

According to media reports in February, a woman was being held in connection with the murder of a prominent member of Parliament, Galina Starovoitova. Starovoitova was shot outside of her apartment in 1998 in what appeared to be a political killing. In 1999 a former police officer became a suspect in the assassination, but charges were dropped due to lack of evidence.

There were no developments in the 1999 killings of the St. Petersburg Liberal Democratic Party (LDPR) leader Gennadiy Tuganov and Deputy Mayor Mikhail Menevich. In the case of St. Petersburg legislative assembly Deputy Viktor Novoselov, police arrested the killers but had no information on who hired them.

On November 9, a military court began hearings against five former military intelligence officers accused of organizing the murder of "Moskovskii Kosomolets" journalist Dmitri Kholodov. A sixth defendant, the head of a bodyguard agency, is charged with complicity. Kholodov was killed by a suitcase bomb in 1994; at the time of his murder, he was investigating widespread corruption among the military leadership.

There were no developments in the 1998 murder of St. Petersburg city official Yevgeniy Agarev, although the investigation into the case reportedly continues. There were no developments in the 1998 murders of Deputy Representative of the Russian Federation to the Chechen Republic Akmal Saidov, Dagestani mufti Said-Mukhamed Abubakarov, or Chechen official Shadid Bargishev.

Religious figures also were kidnapped and killed in Chechnya during the year (see Sections 1.b., 1.c., and 5).

There were credible press reports that Chechen separatists tortured and killed a number of civilians and Russian captives. For example, on September 10, separatists shot and killed Mayor of Oktyabrskoye village Bukara Akhmatov. Government officials accuse separatists of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999. Since then, authorities have tied incidents in Dagestan and several cities in Southern Russia to separatists. Authorities have produced evidence and tried and convicted at least six persons for bombings around Russia. In addition separatists have executed summarily Russian soldiers whom they have taken prisoner (see Section 1.g.).

There has been no resolution to the December 1998 beheading of four foreign telecommunications workers, whom kidnapers had been holding hostage in Chechnya for 2 months.

Government forces and Chechen Separatists have used landmines extensively in Chechnya and Dagestan since August 1999 (see Section 1.g.).

*b. Disappearance.*—There were reports of Government involvement in politically motivated disappearances in Chechnya. According to credible reports, units of the Government were involved in the detention and the temporary disappearance of journalist Andrey Babitskiy in January. The Government at first denied any knowledge of Babitskiy's whereabouts, but after considerable international pressure officials asserted that the journalist was in the custody of "local Chechens." Despite assurances that Babitskiy would be released on February 2, Russian officials declared the following day that he had been delivered to Chechen separatists in exchange for three Russian prisoners of war. However, separatists denied they had participated in such an exchange or that they held Babitskiy. Almost 2 months after his initial disappearance, Babitskiy was released but then was held by Russian authorities at

a detention center in Makhachkala, Dagestan. Authorities stated that he had been charged with carrying a falsified passport. Babitskiy subsequently claimed that the passport was thrust upon him, essentially to set him up to be arrested. Journalists and human rights activists believe Babitskiy was targeted by the Government for his critical reports on the conflict in Chechnya. Babitskiy was tried in Makhachkala in September and convicted of possession and use of a false passport. However, he was covered under the amnesty granted for the anniversary of World War II and was released (see Sections 1.g. and 2.a.).

The NGO Memorial claimed in October that the total number of detainees had exceeded 15,000 persons. Many of these persons disappeared, but the majority were bought back by relatives. Memorial estimated that the number of individuals unaccounted for was somewhere between several hundred to one thousand.

In a December report, Vladimir Kalamonov, the President's Special Representative for Human Rights in Chechnya, stated that his office had received complaints of 853 disappearances by year's end. His office forwarded a list of 462 missing residents of Chechnya to the Ministry of Interior. Forty-eight of the 462 were found to have been convicted and incarcerated into corrective labor institutions. According to this report, the Government began 34 criminal cases in connection with the disappearances of persons after their detention, including the Chairman of the Chechen Parliament, R.A. Alikhagiyev. Several media reports in October claimed that Alikhagiyev was being held in Lefortovo prison by the FSB; however, to at year's end there is no word on his whereabouts.

In 1999 Chechen president Maskhadov's adviser on relations with ethnic Russians, himself a Russian, was kidnapped in Grozny.

On March 5, 1999, unknown assailants abducted Major General Gennadiy Shipgun—the Interior Ministry's special envoy to Chechnya—from his airplane at Grozny airport. Although the motives behind Shipgun's kidnapping are unclear, Russian press reports indicate that his role in the 1994–96 Chechen war earned him much local animosity. Chechen law enforcement officials later claimed to have issued arrest warrants for six unnamed assailants. Russian authorities reported that what most likely were Shipgun's remains were found in May; forensics tests were being conducted in a laboratory in Rostov at year's end.

There has been no progress in the case against the alleged kidnapers of a foreign missionary and university instructor, who was kidnapped in the Dagestan capital of Makhachkala in November 1998. In 1999 Dagestani law enforcement officials told the Russian press that they had arrested four unnamed suspects in connection with the case. Russian and Ingush interior ministry troops later freed the victim on June 29, 1999. Other religious figures also were kidnapped (see Sections 1.a. and 5).

Kidnaping frequently is used by criminal groups in the Northern Caucasus, some of which may have links to elements of the separatist forces. The main motivation behind such cases apparently is ransom, although some cases have political or religious overtones. Many of the hostages are being held in Chechnya or Dagestan. For example, Alla Geyfman, the daughter of a Jewish businessman, was held for nearly 7 months by a Chechen gang demanding ransom. She was freed in February by security forces.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Article 21 of the Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there are credible reports that law enforcement personnel regularly use torture to coerce confessions from suspects and that the Government does not hold most of the torturers accountable for their actions. There were credible reports that Government and separatist forces in Chechnya tortured detainees. There are also claims of abuse of psychiatry by authorities. Institutions such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by other countries but remain largely unreformed and have not yet adopted practices fully consistent with law enforcement in a democratic society. Since torture has never been defined in a subsequent law or the Criminal Code and is only mentioned in the Constitution, it is difficult to charge perpetrators. Police only can be accused of exceeding granted authority, a far milder violation of the Criminal Code.

Prisoners' rights groups, as well as other human rights groups, documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. Human rights groups describe the practice of torture as "widespread." Numerous press reports indicate that the police frequently strike persons based on little or no provocation or use excessive force to subdue those whom they arrest. Reports by refugees, NGO's, and the press suggest a pattern of beatings, arrests, and extortion by police against persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. However, press reports and

human rights groups indicate that police in some republics engage in beatings and torture as part of investigative procedures as well. Police also increasingly harassed defense lawyers, including beatings and arrests, and intimidated witnesses (see Section 1.e.). Police are reported to plant drugs and other false evidence as pretexts for arrests, arrest and detain persons based on their political views and religious beliefs, and conduct illegal searches of homes. Police also are reported often to extort money from suspects, their friends, and their relatives.

According to Human Rights Watch's (HRW) report on torture in Russia released in November 1999, torture by police officers usually occurs within the first few hours or days of arrest and usually takes one of four forms: beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (sometimes filled with mace); electric shocks; or suspension of body parts (e.g. suspending a victim from the wrists, which are tied together behind the back). Allegations of torture are difficult to substantiate because of lack of access by medical professionals and because the techniques used often leave few or no permanent physical traces.

Research conducted by HRW indicates that the country's justice system encourages police to resort to torture and hampers an adequate defense of the accused. Law enforcement entities are expected to meet an unreasonably high 80 percent target rate for solving crimes, despite the loss of experienced officers and underfunding since the breakup of the Soviet Union. The official rate for crimes solved in 1998 was 74.4 percent; experts consider a 30 to 40 percent rate to be consistent with democratic practices and international standards for due process.

In 1999 Sergey Pashin, a Moscow judge and rule of law activist, stated repeatedly that, in the cases that come before him, confessions often have been coerced from suspects through beatings. He also charged that "witnesses" often have been beaten to force them into testifying, when in fact they may have no knowledge of the case. As Pashin has told the press, he estimates that out of 1,200 official torture complaints received in the country annually, only 20 criminal investigations are opened, and only 3 or 4 go to trial. Human Rights Ombudsman Oleg Mironov estimated in October that 50 percent of prisoners with whom he spoke claimed to have been tortured. In April 1998, the Permanent Human Rights Chamber, an advisory presidential committee, concluded that torture was "common" among representatives of the Ministry of Interior, and that it was "widespread and systematic," especially in the pretrial stages of law enforcement. Yakov Pister, head of the administration of the Procurator General's office, testified to the Chamber that the Criminal Code has no definition of torture, and that no statistics were gathered on the use of torture. He blamed police reliance on torture as a means of gathering evidence on a lack of professional training.

HRW noted that, assuming that they are aware of their rights under the law, defendants often are not granted access to defense attorneys or to medical treatment. Pretrial detention conditions are so miserable that defendants sometimes confess simply to be moved to relatively easier prison conditions. Retractions of forced confessions usually are ignored. The accused can spend many months or even years in pretrial detention because the current criminal procedure code allows judges to send cases back for investigation an unlimited number of times (see Section 1.e.).

Under the "Operation Clean Hands" program, created in 1995, MVD officials continued to combat police crime. By the end of 1998, more than 34,000 citizen complaints were lodged against police officers. Over 2,100 cases were initiated against police personnel. Of that number, 922 were group crimes, and 127 included civilian perpetrators. For example, in Ulyanovsk court, proceedings were initiated against five militiamen on charges of "exceeding their authority," for regularly subjecting young male suspects to torture. A Ministry of Justice (MOJ) official estimated that during the first nine months of the year, the number of cases initiated against police personnel was similar to the number registered during the same period in 1999, with 108 convictions in the first six months of the year.

Various abuses against military servicemen, including but not limited to the practice of "dedovshchina" (the violent, sometimes fatal, hazing of new junior recruits for the armed services, MVD, and border guards), continued during the year. Press reports citing serving and former armed forces personnel, the Military Procurator's Office, and NGO's monitoring conditions in the armed forces indicate that this mistreatment often includes extortion of money or material goods in the face of the threat of increased hazing or actual beatings. Press reports also indicate that this type of mistreatment resulted in permanent injuries and deaths among servicemen. Soldiers often do not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerate or even encourage such hazing as a means of controlling their units. There are also reports that officers in some cases use beatings to discipline soldiers whom they find to be "inattentive to their duties."

In July 1999, the Main Military Procurator's Office (MMPO) reported that cases involving the abuse of military position or authority increased by 23 percent. Half of such cases involved physical violence. However, the MMPO also recorded a 14 percent drop in reported crimes during 1999 and a 10 percent decrease in reports of hazing. Statistics for the year were unavailable, although MMPO officials estimated that from January to June, over 4,800 investigations into allegations of human rights abuses were initiated.

Both the Union of Soldiers' Mothers Committee (USMC) and the MPPO also noted an increase in the number of reports about "nonstatutory relations" in which officers or sergeants physically assault or demean their subordinates. This tendency commonly is attributed to stressful conditions throughout the armed forces and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, in primary troop leadership positions. In 1998 every second draftee expressed concern that his life, health, or sanity would be threatened during the period of military service by such incidents.

In the navy, investigations reportedly uncovered about 20 incidents of nonstatutory treatment of sailors since the beginning of 1999 just on the aircraft carrier cruiser Admiral Kuznetsov. Similar activity, including the theft of hardware and weapons by sailors seeking to escape hazing, reportedly was uncovered on the heavy nuclear cruiser (and flagship) Petr Velikiy in 1999. According to press reports, in September, a warrant officer on a Pacific Fleet ship became drunk and began to beat enlisted men on board. As a result, 41 sailors, over half the ship's company, left the ship and went to the Pacific Fleet Headquarters to complain about repeated, savage beatings by drunken noncommissioned officers. Admiral Rasskazov told the press that sailors complain to him or to prosecutors every day. In the same article, a prosecutor revealed that, as of July 10, criminal cases had been filed in Vladivostok against naval officers and sailors who "tortured" their subordinates and shipmates.

Other reported abuses of armed forces personnel included the practice by officers and sergeants of "selling" soldiers to others as slave labor (to build dachas, etc.) or to other officers who have a military need for personnel but are not able to work through the system, most often linked to units in the Northern Caucasus military district. The USMC reported that such practices continue. In one recent complaint received in the USMC's Moscow office, a soldier was allegedly sold for approximately \$2 (50 rubles) to another unit. In another case, an officer bought a soldier for 10 bottles of vodka. The USMC continues to receive complaints about the Ministry of Internal Affairs and accused it of being among the worst of the branches in its human rights record.

The MMPO continues to cooperate with the USMC to investigate allegations of abuse and established telephone and postal "hot lines" to receive reports directly from soldiers. Nonetheless, the USMC believes that the majority of hazing incidents and assaults are not reported, due to fear of reprisals, indifference of commanders, and deliberate efforts to cover up such activity. The USMC estimates that only 10 to 12 percent of serious incidents are reported; it received nearly 4,000 complaints in its Moscow office alone during the year.

According to the armed forces' Medical Service, approximately 45 percent of military personnel committing or attempting suicide were driven to it by either physical abuse or the often inhuman conditions of military service. Nonpayment of wages could also be a factor, although nonpayment decreased significantly during the year. (However, contract soldiers serving in Chechnya complained of chronic nonpayment, and in some cases, such as in Rostov on the Don in September, they engaged in protests). The USMC reported in 1997 that in 60 percent of the cases brought to the authorities attention, there was an official finding that abuse had taken place, and that some disciplinary action was taken as a result. These figures remained unchanged by year's end. The deteriorating quality of the armed forces, cited as the main reason for the breakdown in discipline, is aggravated by negligence during the conscription process. A rise in the acceptance of draftees who are unfit for military service allegedly also is contributing to crime within the armed forces. Draft evasion is common, including the reported "purchase" of unwarranted medical deferments by potential conscripts otherwise ineligible for one of the many categories of legal deferment. The Military Procuracy continued its campaign against draft evasion and cracked down on conscription abuses. The USMC reported that after the spring draft, police often dragged unsuspecting recruits without documents, regardless of their mental or physical health, into draft board offices.

Degrading and substandard living conditions persist throughout the armed forces, principally due to insufficient funding. August television reports of naval housing in the Murmansk region showed decrepit, crowded apartments even for officers.

Despite the acknowledged seriousness of the problem, the leadership of the armed forces has made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse. Their limited efforts were due at least in part to lack of funding and the leadership's preoccupation with urgent reorganization problems and the fighting in Chechnya.

There was still no law providing for the constitutional right to alternative civilian service, and the proposal for an all-volunteer armed forces has been put off indefinitely by the Government's inability to raise military pay sufficiently. Although some regional authorities have attempted to introduce alternative service programs, national legislation necessary to implement the constitutional right to alternative service has not been passed by the Duma. Without such legislation there is no legal basis beyond the constitutional language itself for any alternative service program. As a result, the courts often rule against the individual based upon the legal requirements relating to military service.

The systematic abuse of psychiatry as a form of punishment prevalent during the Soviet era has ended. However, human rights groups charge that psychiatric hospitals continue to conceal their archives and their practices. Further, authorities reportedly still sometimes abuse the practice of psychiatry for other purposes. The Independent Psychiatric Association of Russia, along with several human rights organizations, has criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects" and in testifying against "nontraditional" religions in court cases. In deprogramming cases, authorities allegedly use pseudo-psychological and spiritual techniques to "treat" persons who had been members of new religious groups (see Section 2.c.). Human rights groups are concerned about court-appointed "expert commissions" charged with evaluating rituals, beliefs, and the mental health of believers. Groups assert that the commissions lack objectivity and often act under pressure from regional authorities negatively disposed toward the religious denominations.

Yuriy Savenko, Head of the Independent Psychiatric Association of Russia (originally formed during the Soviet era when psychiatric hospitals were used to punish dissidents), and other human rights activists such as the Moscow Helsinki Group head Lyudmila Alekseyeva, criticized the trial of Platon Obukhov, a Russian diplomat charged with espionage. Although independent psychiatrists deemed Obukhov mentally unfit to stand trial, a court-appointed commission found him competent. Human rights activists charge that the evaluation was based on political considerations and pressure from the FSB. Obukhov's case is currently under appeal.

Prison conditions are extremely harsh and frequently life threatening. Since 1998 the penitentiary system has been administered centrally from Moscow by the Ministry of Justice. The Ministry of Justice, the Ministry of Health, the Ministry of Defense, and the Ministry of Education all maintain penal facilities. There are five basic forms of custody in the criminal justice system: Police detention centers, pretrial detention (SIZO's), correctional labor colonies (ITK's), prisons designated for those who violate ITK rules, and educational labor colonies (VTK's) for juveniles. Responsibility for operating the country's penal facilities falls under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN). The country's penal institutions remain extremely overcrowded. According to January statistics of the Public Center for Penitentiary Reform (PCPR), 1,060,000 persons were incarcerated in the prison system run by GUIN. By year's end, PCPR estimated there had been a decrease of prisoners that brought the total to 912,100, approximately 655 per 100,000 persons of the population at large. While this number only includes prisoners in the GUIN system, PCPR estimates that approximately 90 percent of all prisoners fall into this system. Conditions for detainees and prisoners in most government facilities remain extremely harsh. According to the 1995 Law On the Detention of Those Suspected or Accused of Committing Crimes, inmates must be provided with adequate space, food, and medical attention. Although most of the law's provisions went into effect at the end of 1996, the authorities were not able to ensure compliance, due in part to lack of funds, most judges' failure to use the option of bail, and a very large prison population.

Conditions in police station detention centers vary considerably, but as a rule are harsh. In most cases, detainees are not fed and have no bedding, places to sleep, running water, or toilets.

Suspects awaiting completion of criminal investigation, trial, sentencing, or appeal, are confined in a Special Isolation Facility (SIZO), which is a pretrial detention facility, mainly for a person who is awaiting trial. Persons can spend up to three years awaiting trial in a SIZO. Around 280,000 persons are held in the 195 SIZO's. Around 65,000 are held in police detention centers with another 5,000 to 6,000 in special facilities for the homeless. Convicts on occasion are imprisoned in SIZO's because there is no transport to take them elsewhere. Conditions in SIZO's remain ex-

tremely harsh and pose a serious threat to life and health. Health, nutrition, and sanitation standards in penal facilities remain low due to a lack of funding. Head lice, scabies, and various skin diseases are prevalent. Prisoners and detainees typically rely on families to provide them with extra food. The PCPR estimates that SIZO's are filled to 230 percent of capacity. In larger cities such as Moscow, the average space per prisoner amounts to 0.5 cubic meters. In the majority of police detention centers there is no shower and no outdoor exercise, and inmates are fed only twice a day. To alleviate overcrowding, the Government announced an amnesty (to reach 120,000). According to PCPR, on September 1 more than 99,000 inmates were released in an amnesty (358 of them were juveniles). The total number amnestied was expected to reach 120,000 by November. While the amnesty has affected the overall number of prisoners, by most accounts the greatest decrease is due to the increased use of alternative punishments such as selective parole for certain offences. In some regions such as Murmansk, more than 70 percent of all convicted offenders are given sentences not involving incarceration. In 1998 the occupancy rate for the overall penitentiary system was 112 percent. Special facilities exclusively for women are filled to 1.5 times of capacity, according to a study financed by Penal Reform International. As of September, there were 40,800 women held in correctional labor colonies, according to the MCPCJR. Under such conditions, prisoners sleep in shifts, and there is little, if any, room to move within the cell. In most pretrial detention centers and prisons, there is no ventilation system. Poor ventilation is thought to contribute to cardiac problems and lowered resistance to disease. Cells are overcrowded and stiflingly hot in the summer.

Correctional labor colonies (ITK's) hold the bulk of the nation's convicts. Of the 742 ITK's, 644 are designated for men (122 of these are "timber" correctional colonies). Although they are not as crowded as SIZO's, guards reportedly severely discipline prisoners to break down resistance. Prisoners sometimes are humiliated, beaten, and starved. According to the PCPR, conditions in the ITK's are better than in SIZO's prisons only to the extent that there is fresh air. In the timber correctional colonies, where hardened criminals serve their time, beatings, torture, and rape by guards reportedly are common. A total 678,500 male prisoners and 40,800 female prisoners are held in the ITK's. Of the 34 colonies for women, there are a few special facilities for children to be held with their mothers (465 children up to 4 years old). In the educational labor facilities, there are 19,000 males and 1,100 females. The country's "prisons"—distinct from the labor colonies or ITK's—are penitentiary institutions for those who repeatedly violate the rules in effect in ITK's.

Educational labor colonies for juveniles (VTK's) are facilities for from 14 to 20 years of age. The PCPR's September statistics indicate that there were approximately 20,000 persons in the 64 educational colonies, some 19,000 males and 1,000 females. Conditions in VTK's are significantly better than in ITK's, but juveniles in VTK's and juvenile SIZO cells reportedly also suffer from beatings, torture, and rape. The PCPR reports that such facilities have a poor psychological atmosphere and lack educational and vocational training opportunities. Many of the juveniles are from orphanages, have no outside support, and are unaware of their rights. There currently are two prisons for children in Moscow. Boys are held in small crowded, smoky cells with adults. Schooling in the prisons for children is sporadic at best, with students of different ages studying together when a teacher can be found.

According to statistics provided by the PCPR, the proposed federal budget as of the end of September allocated \$778 million (14 billion rubles) for the upkeep of the GUIN system. According to GUIN, \$1.3 billion (23 billion rubles) are needed to maintain the system adequately. However, the full allotment is not always spent. For example, in a Ryazan educational colony for females, less than \$1 (18 rubles) per day for each inmate is considered necessary. In the budget, the institution is allotted only 10 rubles per inmate, while in actuality, less than four rubles actually make it to the institution. There are no steps underway at present to increase the portion of the budget allotted to GUIN.

According to the PCPR, conditions in penal facilities vary among the regions. Some regions offer assistance in the form of food, clothing, and medicine. NGO's and religious groups offer other support.

Inmates in the prison system often suffer from inadequate medical care. Detention facilities have infection rates of tuberculosis far higher than in the population at large. Tuberculosis in the general population and especially in prisons is considered by health and human rights experts to be not only a national, but an international health threat. PCPR estimates that 96,000 prisoners suffer from infectious tuberculosis—approximately 42 to 43 percent of all tuberculosis patients in Russia. A total of 25,000 of these prisoners are infected with a drug-resistant form of the disease. Some 90,000 of the overall patients, mostly under 30 years of age, are in-

carcerated in SIZO's. Of these, 26,000 are in special prison hospital wards for tuberculosis, 42,000 in medical facilities, and 17,000 in isolation in prison facilities, with the rest being held among the healthy prison population. The Saratov oblast administration, concerned with the tuberculosis crisis in facilities located there, fully funded the tuberculosis-related medicinal needs of prisoners, according to the PCPR. GUIN is working with the Soros Foundation to develop programs in some regions to combat tuberculosis.

HIV/AIDS infection rates are also a source of concern. The PCPR estimated that there were 8,000 prisoners infected either with HIV or who had developed AIDS, but the lack of adequate health care precludes estimating the true number of such prisoners and suggests that this is an underestimate. Space shortages do not allow for separate facilities for prisoners with AIDS.

Statistics on the number of detainees and prisoners who were killed or died and on the number of law enforcement and prison personnel disciplined for the use of excessive force are not released publicly. PCPR estimates that around 11,000 prisoners died in penitentiary facilities during the year (2,500 of whom died in SIZO's). Most died as a result of overcrowding, poor sanitary conditions, or lack of medical care (the leading cause of death was heart disease), but some died due to beatings. The Procuracy General claimed that it receives approximately 1,000 complaints of torture per year, but no reliable figures are available. The press often reports on innocent individuals mistreated, injured, or killed in various SIZO's; some of the reported cases include habitual abuse by the same officers.

Violence among inmates, including beatings and rape, is common. There are elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others are considered to be "untouchable" and treated very harshly, with little or no protection provided by the prison authorities.

At a March 1999 joint hearing at the Human Rights Chamber of the President's Political Consultative Council, the Ministry of Justice, the Ministry of Internal Affairs, the Supreme Court, and the Procuracy General developed a plan to address the "critical" state of the national penal system. The proposals forwarded to the Government and the State Duma included provisions such as another amnesty and changes in the Criminal Code that could yield a prison population decrease of 400,000 over 1 year.

According to the PCPR, Aleksandr Zubkov, Deputy Director of GUIN in the Ministry of Justice, stated that the only way to reduce the prison population is to change the Criminal Code provisions regarding pretrial, parole and probation, and postconviction release measures. Zubkov stated that the Criminal Code is too severe and allows unjustifiably wide use of custody as a measure of restraint (as opposed to bail or release on the prisoner's own recognizance, for example). The PCPR called for greater use of alternatives to custody, such as bail and house arrest. Moreover, the PCPR reported that detainees spend too long in pretrial detention, in many cases as long as 3 years or more. The Ministry of Justice concurs with the PCPR that limits must be placed on time in detention awaiting trial.

Moscow-based human rights groups make infrequent visits to prisons in the Moscow area, and they have neither the resources nor a national network to investigate conditions in all 89 regions. The pretrial detention centers and filtration camps for suspected Chechen fighters, are not usually accessible to human rights monitors (see Section 1.g.). In May, the ICRC began to visit persons detained by Russian authorities. The ICRC works throughout Russia and is especially active in the North Caucasus. They are currently carrying out regular prison visits, but by agreement with the Government, their findings are kept confidential. The ICRC provides advice to authorities on how to improve conditions.

In January and February the remand prison at Chernokozovo was the principal detention center for those detained in Chechnya. Prolonged beatings to the genitals and to the soles of the feet, rape, electric shocks, tear gas and other methods of torture were used at the center. Guards subjected detainees to humiliation and degrading treatment. At least one person was beaten to death. Often prison guards and other law enforcement officers use torture to coerce confessions or testimony. Conditions improved at Chernokozovo in mid-February; however, an increasing number of detainees subsequently were held elsewhere and continued to suffer abuses, including torture, according to Human Rights Watch. The Government has allowed ICRC access to some facilities in the North Caucasus where Chechen detainees are held.

In one of many reported incidents, a Chechen man described how he saw federal guards puncture detainees' eardrums and file their teeth and damage their lips with a file forced into their mouths—an apparently new form of torture. In another reported incident, a Chechen man was pulled from his cell, homosexually raped, and



taunted with anti-Chechen epithets. In the case of the Chernokozovo prison, the torture of prisoners by federal guards came to light in part through reports of Andrey Babitskiy, a reporter for Radio Liberty who was himself detained and beaten there. According to credible reports, units of the Government were involved in the detention and disappearance of Babitskiy in January for his reporting in Chechnya (see Section 1.b. and 2.a.).

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention remain serious problems. The Constitution provides that the arrest, taking into custody, and detention of persons suspected of crimes are permitted only by judicial decision. Under the 1997 code the maximum sentence for all offenses increased from 15 years to 30 years. Criminal proceedings continue to be governed both by the 1997 Criminal Code and the Soviet Criminal Procedure Code, adopted in 1960.

Efforts to achieve Duma approval of a new Criminal Procedure Code have been unsuccessful.

There are credible reports from throughout the country that police detain persons without observing mandated procedures and fail to issue proper arrest warrants or receipts for confiscated property. This is especially true for persons from the Caucasus. There are credible reports that security forces continue regularly to single out persons from the Caucasus for document checks, detention, and extortion of bribes. In 1999 Moscow city law enforcement authorities frequently detained persons unlawfully for alleged violations of registration requirements, especially in response to the terrorist bombings in September 1999, when authorities detained some 2,000 persons and deported more than 500, according to NGO's. Russian forces commonly rounded up and detained groups of Chechen men at checkpoints along the borders and during "mop-up" operations following military hostilities, and engaged in severe beating and torture.

In the absence of measures to implement the procedural safeguards contained in the Constitution, suspects often were subjected to uneven and arbitrary treatment by officials acting under the current Criminal Procedure Code and presidential decrees. The code gives procurators authority to issue an order of detention without a judge's authorization and, if police believe that the suspect has committed a crime or is a danger to others, to detain him for up to 48 hours without a warrant.

The Constitution and the Criminal Procedure Code provide that detainees are entitled to have a lawyer present from the time of detention, during questioning following detention, and throughout investigation up to and including the formal filing of charges. This procedure generally is followed in practice. The PCPR reports that detainees are given the opportunity to have access to a lawyer in accordance with their rights. However, the Center notes that the high cost of legal fees and the poor quality of court-appointed public defenders for those lacking the funds to engage counsel effectively deny the majority of suspects competent legal representation. As a result, many prisoners do not exercise this right because they believe it useless. Families have access to individuals in pre-trial detention; however, in initial detention by the police in precincts, they may at times not be granted access.

Articles 47 to 49 of the Criminal Procedure Code provide that in certain cases the court, an investigator, or a procurator is to provide the suspect with an advocate free of charge if the suspect cannot afford one. A president of a collegium of advocates must appoint a lawyer within 24 hours after receiving such a request. However, lawyers (advocates) try to avoid these cases since the Government does not in fact reimburse them for this work as it is supposed to do. As a result, in many cases indigent defendants receive little or no assistance during the investigation stage of the case, and such in-court assistance as they do receive may be rendered by poorly trained lawyers. At times the right to a lawyer during pretrial questioning cannot be exercised even when the suspect can afford to pay for a lawyer. Human rights NGO's report that in many cases investigators deny access to a lawyer by various means, including restrictions on the time when the suspect can see his lawyer (which may mean that the lawyer has to wait for days to get a meeting with the client).

A 1997 presidential decree allows police to detain persons suspected of ties to organized crime for up to 10 days without bringing charges. The law overturned two previous presidential decrees (of 1994 and 1996) that allowed detention for up to 30 days. The 1997 decree also instructed the Government to submit to the Duma a draft federal law on preventing vagrancy and providing social rehabilitation of the homeless. However, according to Duma and NGO sources there is not yet any such draft law under consideration.

The Criminal Procedure Code specifies that only 2 months should elapse between the date an investigation is initiated and the date the file is transferred to the procurator so that the procurator can file formal charges against the suspect in court. However, investigations seldom are completed that quickly. Some suspects spend 18

months or longer in detention under harsh conditions in a SIZO while the criminal investigation is conducted. The PCPR reports terms of pretrial detention extending up to 3 years, with the average ranging from 7 to 10 months. However, in some extreme cases the PCPR reports detention periods of up to 5 years due to financial constraints and poor investigative and court work.

The Code provides that a prosecutor may extend the period of criminal investigation to 6 months in "complex" cases. If more time is required in "exceptional" cases, the Procurator General personally can extend the period up to 18 months. Extensions of the investigation period often are issued without explanation to the detainee. Until the investigation is completed, the suspect is under the jurisdiction of the Procurator's office, the Ministry of Justice, and the Ministry of Internal Affairs. There is no procedure for a suspect to plead guilty during the investigative period, although if a suspect informs the investigator that he is guilty, the period of the investigation usually is shorter than if he maintains his innocence. Suspects frequently fear exercising their right to request judicial review of their detention due to fear of angering the investigating officer.

There also were credible reports that persons were detained far in excess of the permissible periods for administrative offenses, in some cases so that police officials could extort money from friends or relatives of detainees. The situation has improved somewhat since the issuance of the 1997 presidential decree that annulled a previous decree that had allowed for 30-day detentions. However, the practice of detaining individuals in excess of permissible periods is common, and this often is done for the purpose of extorting money.

The use of bail is rare, even if suspects are not flight risks or have not been charged with violent crimes. This aggravates overcrowding in pretrial detention and, due to delays in bringing cases to trial, results in many suspects remaining in pretrial detention for longer than the maximum penalty they might face if convicted. In the juveniles' prisons, boys and girls (in separate facilities) are incarcerated in the facility for up to several years while they await trial and sentencing.

Delays also plague the trial stage. Although the Criminal Procedure Code requires court proceedings to begin no more than 14 days after the judge issues an order designating the location of the trial, congestion in the court system frequently leads to long postponements. Judges often do not dismiss cases involving improper investigations or indictments, particularly if the procurator's case has political support or if the case is controversial. Such cases often are returned to the procurator for further investigation.

Some regional and local authorities have taken advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in the regions have been charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Others have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Section 4).

On June 2, Taisa Isayeva, a Chechen journalist, was arrested at the border checkpoint "Nizhny Zaramag", between North Ossetia and Georgian controlled Ossetia. Isayeva, who works for the Chechen Press agency based in Georgia, was detained at the border because she was carrying a video camera and a portable computer.

On October 3, Primorye Regional FSB authorities opened a criminal case against Vladimir Schurov, Director of the Sonar Laboratory of the Pacific Oceanographic Institute (POI). He was charged with divulging state secrets, unlawful transfer of dual use technologies, and also for organizing a criminal group. Schurov has denied all charges.

Russian authorities took measures in two "espionage" cases involving foreigners who worked with Russians and obtained information the authorities considered sensitive. In both cases, proceedings took place behind closed doors and the defendants and their attorneys encountered difficulties in learning the details of the charges. In both cases, the circumstances suggested that the security services were seeking to discourage foreigners on issues they considered to be sensitive.

In November 1999 disarmament researcher Igor Sutyagin of the USA Canada Institute was detained on suspicion of espionage. No information about the specific charges was made public. At first the case appeared to focus on his work on a study of civil-military relations funded by the Canadian Defense Ministry. Sutyagin's family stated that the study did not deal in secret matters and was partially funded by the Russian Defense and Foreign ministries. Evidence in the case is secret and lawyers stated that Sutyagin received copies of the details on December 15. The trial was recessed until January 9, 2001.

Throughout the year there have also been numerous other cases of individuals charged with treason and detained. In August 1999 Vladivostok environmental sci-

entist Vladimir Soyfer filed a complaint in Vladivostok municipal court alleging that in early July 1999 the FSB confiscated a large number of documents from his apartment, the removal of which was not covered by its warrant and not documented in the FSB's official record of the search. While under investigation the FSB dropped the case stating that Soyfer fell under the November amnesty. Soyfer appealed this decision to clear his name, arguing that he was innocent, and that there was no basis or need to amnesty him. The court agreed, passing the case back to the FSB for either investigation and prosecution, or dropping charges.

In October 1999 Vladimir Sliviyak, director of the antinuclear organization Eco-Defense, announced at a press conference that Moscow police detained and questioned him for a few hours in September about his possible involvement in the August bombing of the Manezh shopping center in Moscow. One of Sliviyak's coworkers reportedly had been framed on charges of drug possession. Natalya Minonova of Chelyabinsk also was detained and questioned by police officers in September as she and four other activists were on their way to city hall to deliver a letter protesting the potential import of spent nuclear fuel into the country. Authorities charged all five with hooliganism. Reportedly authorities told another activist in Voronezh to report to the police station for an "informal conversation" on the topic of an anti-nuclear camp near the NovoVoronezh nuclear power plant and threatened him with drug possession charges if he failed to appear.

St. Petersburg judge Sergey Golets ruled at the end of 1999 that Aleksandr Nikitin, an environmentalist and retired Soviet Navy captain, was not guilty on charges of espionage and treason. Although prosecutors later appealed the decision, the Presidium of the Supreme Court on September 13 upheld the acquittal. Legal observers believe that the legal foundations of the Golets ruling were sound and that it, along with the Supreme Court decision, may provide an important precedent in combating abuses by the FSB.

Nikitin's case was characterized by serious violations of due process. There were credible charges that his detention was politically motivated. The FSB detained Nikitin in St. Petersburg in February 1996 on suspicion of espionage and revealing state secrets, crimes punishable by up to 20 years in prison. Nikitin had been working with the Bellona foundation, a Norwegian environmental NGO, on the publication of a report detailing the hazards posed by nuclear waste generated by the Northern Fleet, in which Nikitin served. Indictments cited classified decrees that were made available to Nikitin's defense team only at the beginning of the trial, which finally commenced in October 1998, nearly 3 years after Nikitin's detention. In his December 1999 ruling, Judge Golets argued that the secret decrees used to charge Nikitin violated every citizen's right to access to the law and therefore were not binding under the Constitution. Moreover, according to the ruling, investigators failed to adhere to the Criminal Code during the investigation and violated Nikitin's

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son. The trial is expected to begin in March 2001. Pasko originally was charged with treason and espionage after reporting on radioactive contamination by Russian Pacific Fleet sailors dumping radioactive waste in the Sea of Japan. The trial was marked by a number of irregularities, including the judge's decision to remove one of Pasko's defense attorneys for contempt of court and also a key witness recanting earlier testimony claiming it had been made under duress from investigators. The Committee to Protect Journalists and the Glasnost Defense Fund observed that the case is still a powerful disincentive to investigative reporting (see Section 2.a.).

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and there are signs of limited judicial independence; however, the judiciary does not yet act as an effective counterweight to other branches of government. Efforts to develop an independent judiciary continue. Judges remain subject to some influence from the executive, military, and security forces, especially in high profile or political cases. The judiciary still lacks sufficient resources and is subject to corruption.

The judiciary is divided into three branches: The courts of general jurisdiction, subordinated to the Supreme Court; the arbitration court system under the High Court of Arbitration; and the Constitutional Court. Civil and criminal cases are tried in courts of primary jurisdiction, courts of appeals, and higher courts. The general court system's lowest level is the municipal court, which serves each city or rural district and hears over 90 percent of all civil and criminal cases. The next level of courts of general jurisdiction are the regional courts. At the highest level is the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration court system consists of city or regional courts as well as appellate circuit courts subordinated to the High Court of Arbitration. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the state. Qualifying Collegium nominate judges for approval (by the President), remove them, and approve requests by prosecutors to investigate judges. Approximately 1,000 justices of the peace were appointed in 33 regions throughout the country during the year. These judges handle family law and criminal cases where the maximum sentence is 2 years.

Low salaries and lack of prestige make it difficult to attract talented new judges and contribute to the vulnerability of existing judges to bribery and corruption. Judges have received some incremental salary increases aimed at improving the quality of judges recruited and raising the retention rate. Although judges' pay has improved, working conditions remain poor, and support personnel continue to be underpaid.

The 2000 government budget increased funding for the judicial system; however, it is not enough to cover all of the system's needs. Not all of the money allocated was dispersed and regional administration support is still needed.

Judges are subject to intimidation and bribery from officials and others. As judges generally bear responsibility both for reaching a verdict and handing down a sentence, they are logical targets for intimidation. In July 1999, the chair of the Primorskiy Kray arbitration court, Tatyana Loktionova, announced that Primorskiy Kray Governor Yevgeniy Nazdratenko had been interfering in the court's activities and that she and her colleagues feared for their personal safety. The governor blamed the court for bankrupting the region's enterprises and destroying its economy and persuaded then-Prime Minister Putin to authorize an internal investigation of the arbitration court for possible illegal conduct. Loktionova was removed from the court but appealed to the Supreme Court for reinstatement. On August 23, the Supreme Court's Board of Appeal upheld the lower court's ruling removing Loktionova from the bench. Loktionova appealed to the Constitutional Court of the Russian Federation. In October the Moscow City Collegium of Judges removed Moscow City Judge Sergey Pashin from the bench for ostensible infractions of professional etiquette. However, most observers believe that Pashin was removed for political purposes, as punishment for his outspoken views criticizing judicial colleagues on cases ranging from the conscientious objector Neverovskiy in Kaluga to the legal procedures surrounding Media-Most. Pashin appealed the Collegium's decision to a higher body and he was later reinstated.

The Criminal Code provides for the court to appoint a lawyer if the suspect cannot afford one. The Society for the Guardianship of Penitentiary Institutions often is called upon by judges to provide legal assistance for suspects facing charges and trial without any representation. This society operates primarily in Moscow, although it uses its connections throughout the country to appeal to legal professionals to represent the indigent. However, in many cases the indigent receive little

legal assistance, because funds are lacking to pay for trial attorneys for them and public defenders are poorly trained.

Because the right to a lawyer during pretrial questioning often is not exercised (see Section 1.d.), many defendants recant testimony given in pretrial questioning, stating that they were denied access to a lawyer or that they were coerced into making false confessions or statements. Nevertheless, human rights monitors have documented cases in which convictions were obtained on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt.

In the 80 regions where adversarial jury trials have not yet been introduced, criminal procedures are weighted heavily in favor of the prosecutor. The judge or panel of judges conducts the trial by asking questions based on a prior review of the evidence. Reports indicate that in practice the constitutionally mandated presumption of innocence often is disregarded. Judges are known to return poorly developed cases to the prosecution for additional investigation rather than risk confrontation with powerful prosecutors. Moreover in certain cases the Criminal Procedure Code allows them to do so with no limitation on the number of times the case can be investigated. The Constitutional Court partly addressed this issue in an April 20, 1999, decision that held that part of the article of the Code providing for this practice was unconstitutional. The practice of repeatedly returning cases for further investigation greatly increases the time that defendants spend in SIZO's (see Section 1.c.).

Defense attorneys, defendants, and the general public reportedly favor jury trials and the more adversarial approach to criminal justice. Prosecutors and law enforcement officials continue to prefer trial by judges and the inquisitorial system.

The Independent Council of Legal Expertise reported that defense lawyers increasingly were the target of police harassment, including beatings and arrests. Professional associations at both the local and federal levels reported abuses throughout the country. They charge that police are trying both to intimidate defense attorneys and to cover up their own criminal activities. For example, on March 28 Moscow defense lawyer K. Moskalenko was assaulted by members of Moscow's Organized Crime Unit of the MVD while attempting to assist a client illegally detained by the Unit at a residence. Moskalenko complained to the Procurator, but her complaint was rejected at the end of April. The Glasnost Public Foundation criticized the September 30 arrest of public defender Mikhail Konstantinidiy in Novorossiysk. Konstantinidiy was arrested for purported "illegal entrepreneurial activity," which human rights activists believe was concocted in retaliation for the lawyer's successes against an oil company and a local politician.

There were no reports of political prisoners.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—Authorities continued to infringe on citizens' privacy rights. The Constitution states that officials can enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision. It permits the government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission. It prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. Legislation to implement these provisions was passed as part of the country's new criminal code, which provides for criminal penalties. However, problems remain, and no one has ever been convicted of violating those safeguards. There were reports of electronic surveillance by government officials and others. Moscow law enforcement officials reportedly entered residences and other premises without warrants. For example, on October 19, three investigators from the Organized Crime Unit and Economic Crime Unit of the MVD entered the premises of the Moscow Choral Synagogue without a warrant and searched the offices of Moscow Chief Rabbi Pinchas Goldschmidt (see Section 2.b.).

Internet experts and right-to-privacy advocates say that interagency technical regulations called SORM-2 (SORM is the Russian acronym for System for Operational Investigative Measures), which were issued by the Ministry of Communications, the FSB, the Federal Agency of Government Communications and Information, and other agencies present a serious threat to privacy rights, and violate the Civil Code, the Constitution, and international norms. SORM-2 is an amendment to SORM telecommunications regulations. The original SORM, issued in 1995, granted security services the power to monitor all telecommunications transmissions for investigative purposes. It required a warrant to carry out such monitoring, in accordance with the Constitution and other provisions of the law. SORM-2 extends to the FSB the same kind of monitoring power over Internet communication that it had for telecommunication, but without ensuring judicial oversight.

Internet service providers were required to install, at their own expense, a device that routes all Internet traffic to an FSB terminal. Those providers that did not

comply with the requirements faced either loss of their licenses or denial of their license renewal. While SORM-2 framers claim that the regulation does not violate the Constitution or the Civil Code because it still requires a court order, right to privacy advocates say that there is no mechanism to ensure that a warrant is obtained before the FSB accesses private information. There appears to be no mechanism to prevent unauthorized FSB access to Internet traffic without a warrant.

On July 25 Minister of Communications Leonid Reyman issued an order implementing the last stage of SORM. According to the order, registered by the Ministry of Justice on August 9, the FSB is no longer required to provide to the telecommunications and Internet companies any court documentation or any information about targets of interest. Human rights activists suggest that this order only formalizes the practices established since SORM was introduced. However, Pavel Netupskiy, a St. Petersburg journalist, challenged Reyman's order in court, claiming that it was unconstitutional. The Supreme Court examined the case and ruled September 25 partially in Netupskiy's favor, leaving the requirement that the FSB conduct monitoring only by court order and that it provide information to the company about the target of surveillance. However, despite the court ruling, adequate oversight and enforcement of this constitutional provision and the court order are lacking. On September 12 Putin signed the "Doctrine of Information Security of the Russian Federation" which offers general language on protecting citizens' constitutional rights and civil liberties but also includes specific provisions that would justify greater state intervention. The Doctrine gives much leeway to law enforcement authorities in carrying out SORM surveillance of telephone, cellular, and wireless communications.

Allegations continue to circulate that officers in the special services, including authorities at the highest levels of the MVD and the FSB, have used their services' power to gather compromising materials on political and public figures as political insurance and to remove rivals. Similarly, persons in these agencies, both active and retired, were accused of working with commercial or criminal organizations for the same purpose.

There are credible reports that regional branches of the FSB continue to exert pressure on Russian citizens employed by Western firms and organizations, often with the goal of coercing them into becoming informants.

Government forces in Chechnya looted valuables and foodstuffs from houses in regions that they controlled (see Section 1.g.).

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—The indiscriminate use of force by government troops in the Chechen conflict resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighboring republic of Ingushetiya. The Federal Government has been fighting a war against separatists in Chechnya since August 1999 following attacks by Chechen separatists in neighboring Dagestan. In the fall of 1999, government forces launched air and artillery attacks against numerous Chechen villages along the republic's eastern border with Dagestan in the territory controlled by Chechen field commander Shamil Basayev. Attempts by government forces to regain control over Chechnya were accompanied by indiscriminate use of air power and artillery, particularly in the fall 1999 campaign to retake the capital, Grozny. There were numerous reports of attacks on civilian targets, including the bombing of schools and residential areas. In early 2000 a large-scale offensive military campaign by government forces continued against the separatists. That offensive campaign largely ended following federal occupation of most of Chechnya by late spring, although federal forces remained engaged in an intensive anti-insurgency campaign against separatist guerillas. The security situation prevented most foreign observers from travelling to the region, and the Federal Government enforced strict controls on press access. NGO's reported that federal authorities in some cases confiscated recording devices and communications equipment at the border. These restrictions made independent observation of conditions and verification of reports very difficult. Nevertheless, there were numerous credible reports of human rights abuses and atrocities committed by federal forces.

Federal authorities continued to claim that government forces utilized "high precision" weapons and tactics against the rebels; however, a wide range of reports indicated that government military operations resulted in many civilian casualties and the massive destruction of property and infrastructure. The number of civilian fatalities caused by federal military operations cannot be verified, and estimates of the total number of civilian dead vary from the hundreds to the thousands. For example, on December 20, seven students were killed when Russian forces fired mortar rounds on Grozny State Pedagogical Institute. The procurator was investigating the incident at year's end. The number of civilians wounded by federal forces also could not be verified, although reports from hospitals that still were operating in the region indicated that the majority of patients were mine or ordnance victims,

and that such weaponry was the primary cause of death. Throughout the conflict, accusations were made by both sides about the use of chemical weapons. However, no credible evidence has been offered to support these claims.

In addition to casualties attributable to indiscriminate use of force by the federal armed forces, many atrocities reportedly were committed by individual federal servicemen or units. Command and control among military and special police units often appeared to be weak, and a culture of lawlessness, corruption and impunity flourished. This culture fostered individual acts (by government forces) of violence and looting against civilians. For example, according to HRW and press reports, on February 5, Russian riot police and contract soldiers (men hired by the military for short-term service contracts) executed at least 60 civilians in Aldi and Chernorechiye, suburbs of Grozny. The perpetrators reportedly raped some of the victims and extorted money, later setting many of the houses on fire to destroy evidence.

According to HRW and other NGO reports, Russian soldiers executed at least 38 civilians in the Staropromyslovski district between December 1999-January 2000. Most of the victims were women and elderly men, and all apparently were shot deliberately by Russian soldiers at close range. Similar events also occurred in Katr Yurt, where hundreds of already displaced persons were forced to flee, persons were killed, and houses were burned. Russian forces allegedly did this because Chechen fighters had passed through the village after the retreat from Grozny on February 5. In November 1999, government troops opened fire on doctors and other medical staff at a psychiatric hospital, injuring three persons. According to human rights NGO's, government troops raped civilian women in Chechnya in December 1999 in the village of Alkhan-Yurt and in other villages.

According to human rights NGO's, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many internally displaced persons (IDP's) reported that they were forced to provide payments to, or were otherwise subjected to harassment and pressure by, guards at checkpoints. There were also widespread reports of the killing or abuse of captured fighters by federal troops, as well as by the separatists, and a policy of "no quarter given" appeared to prevail in many units. A private wounded in the conflict told representatives of the Union of Soldiers Mother's Committee (USMC) organization that the commander of his unit gave the order that no prisoners should be taken and no one should be left alive in Grozny. Federal forces reportedly beat, raped, tortured, and killed numerous detainees. The human rights NGO Memorial compiled a list of 300 missing captured rebels, some of whom had not been seen in 6 months. Federal forces reportedly ransomed Chechen detainees to their families. Prices were said to range from several hundred to thousands of dollars.

Armed forces and police units reportedly routinely abused and tortured persons held at so-called filtration camps, where federal authorities claimed that fighters or those suspected of aiding the rebels were sorted out from civilians.

There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The NGO Physicians for Human Rights reported that that physicians in Grozny Ambulatory Clinic #5 and Grozny City Hospital #4 stated that their hospitals were destroyed. The indiscriminate use of force by federal troops resulted in massive destruction of housing and commercial and administrative buildings, as well as the breakdown of gas- and water-supply facilities and other types of infrastructure. Representatives of international organizations and NGO's who visited Chechnya also reported little evidence of federal assistance for rebuilding war-torn areas.

International organizations estimate that the number of IDP's and refugees who left Chechnya as a result of the conflict reached a total of about 280,000 at its peak in late spring. Of this total, most went to Ingushetiya (245,000). Some 6,000 Chechen IDP's were reported in Dagestan, 3,000 in North Ossetia, and 6,000 in Georgia. About 20,000 Chechen IDP's reportedly went to other regions of the Russian Federation. Federal refugee policy aimed at repatriating IDP's as soon as possible back to Chechnya. However, as of early fall, federal authorities promised that no one would be repatriated forcibly. Reliable information on the number and status of displaced persons within Chechnya was especially difficult to obtain, due to heavy fighting and limited outside access to the region. The United Nations High Commissioner for Refugees (UNHCR) estimated that at times as many as 150,000 persons were displaced within Chechnya and lacked access to humanitarian assistance. There were approximately 6,000 Dagestani IDP's in Dagestan. NGO's also estimated that at least a quarter of a million residents, including almost the entire Russian, Armenian, and Jewish populations, migrated from Chechnya as a result of the current conflict and the first war of 1994-96.

At various points during the conflict, authorities restricted the movement of IDP's fleeing Chechnya. According to some reports by NGO's, early in the conflict border guards at times permitted only ethnic Russians to cross into Ingushetiya. According to the Russian press, some displaced persons were transported by bus back to parts of Chechnya that were under government control. In 1999 refugees at the border sometimes had to live in the open, without access to food or water. Russian border guards and police officers on the border between Chechnya and neighboring regions reportedly required Chechen refugees to pay money to pass. According to UNHCR, the authorities early in the year prevented medical supplies destined for hospitals from entering Chechnya. There also were many credible reports that Russian guards at checkpoints within Chechnya demanding money to allow persons to pass. Some refugees also had trouble moving about because their documents had been lost, stolen, or confiscated by Russian authorities. Currently 8,000 persons live in railway carriages in the region. During the year, 4,000 others who had been living in railway cars were transferred to a winterized tent camp. According to the Council of Europe (COE), about 2,000 persons live in harsh conditions in rail wagons in Sernovodsk without sufficient heating and appropriate sanitation facilities, which puts them at risk of contagious diseases.

While Russian media coverage of events in Chechnya was extensive, most journalists and editors appeared to be exercising self-censorship and avoiding subjects embarrassing to the Government (see Section 2.a.). Since the resumption of the war in October 1999, federal authorities—both military and civilian—limited journalists' access to war zones and confiscated reports and equipment, citing threats to the safety of reporters. After November 1999, additional accreditation—besides the usual Foreign Ministry accreditation—was required for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to receive local press accreditation. In one instance in September, Associated Press reporter Ruslan Musayev was detained, beaten, and held in a covered pit for 24 hours until he paid Russian soldiers to release him.

In April U.N. Commissioner for Human Rights (UNCHR) Mary Robinson visited Chechnya to investigate allegations of human rights abuses. However on the visit, according to Robinson's report to the UNCHR, Russian authorities denied her access to a number of locations, including five detention centers where Amnesty International alleged that Russian guards committed abuses against Chechen detainees. She also was denied access to villages near Grozny where Russian troops were accused of killing and raping civilians. Robinson did meet with IDP's in Ingushetiya, who provided firsthand testimony of alleged violations of human rights by Russian military, militia, and Ministry of Interior forces in Chechnya. Authorities asserted that Robinson distorted the true nature of the state of affairs and that Russia never hid the truth about the situation in Chechnya.

In response to international criticism of the human rights situation in Chechnya, several official Russian organizations were established to examine alleged human rights violations in the republic. In February President Putin appointed Vladimir Kalamonov as special Presidential Representative for Human Rights in Chechnya. Kalamonov's office, with a staff of 25 persons, including 3 experts on loan from the COE, opened branches in Moscow and a number of locations in the North Caucasus to take complaints about alleged human rights violations. In April Pavel Krashenninnikov, Chairman of the State Duma Committee on Legislation, was elected head of a newly created Independent Commission on Human Rights in the North Caucasus. In September the Commission opened nine offices in Chechnya and three in Ingushetiya. Together Kalamonov's office and Krashenninnikov's Commission heard thousands of complaints from citizens, ranging from destruction or theft of property to rape and murder. However, neither organization was empowered to investigate or prosecute alleged offenses and had to refer complaints to the military or civil prosecutors. By the end of the year, the prosecutors had opened more than 100 cases of alleged crimes. Almost all of these concerned alleged violations of military discipline and other common crimes. The Presidential Administration press service reported that 38 cases relating to crimes committed by servicemen against the local population were opened, and that seven servicemen were convicted by year's end. The charges against the seven service men were not known. The Federal Government did not comply with the U.N. Commission on Human Rights resolution's calling for a broad-based, independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law.

Chechen separatists also committed abuses, but—as with the many reported Russian violations—there were difficulties in verifying or investigating them. According to unconfirmed reports, separatists killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented ref-



ugees from fleeing Chechnya. For example, the rebel fighter Akhmed Ibragimov reportedly murdered 34 fellow villagers, including 3 children, after 1 of the villagers refused to dig trenches. One witness described seeing four bodies of persons who were crucified on spikes by separatists for cooperating with federal authorities in Grozny.

Separatists allegedly killed and attempted to kill numerous Chechen officials loyal to the Federal Government. For example, on May 31, Grozny Mayor Supyan Makhchayev was wounded and his aide and a Russian official were killed by a car bomb. According to press reports, Chechen rebels opened fire on an EMERCOM (Ministry of Civil Defense, Emergencies, and the Elimination of Consequences of Natural Disasters) Car on June 9 in Grozny, killing three Russian epidemiologists and wounding three others. In July Ruslan Khamidov, head of the administration of the settlement of Alkhan-Yurt, was killed in his home. On August 4, head of the Nozhay-Yurtovskiy Rayon Administration Isita Gayribekova was wounded and her brother and sister killed in a bomb explosion at the home of their mother. Chechen separatists started a series of suicide attacks in June. Two Chechen women detonated a truck packed with explosives at a Russian army base west of Grozny.

Human rights NGO's reported that Chechen separatist units abused civilians and endangered their lives by provoking Russian counterattacks on civilian areas. The rebels took up positions in populated areas and fired on Russian forces, thereby exposing the civilians to Russian counterattacks. When villagers protested, they sometimes were beaten or fired upon by the rebels.

Separatist military units also reportedly abused, tortured, and killed captured Russian soldiers. In one incident, rebel sources reported that they executed nine Russian prisoners after Moscow refused to exchange them for a Russian officer accused of raping and killing a Chechen woman. In another incident reported by an NGO, a Chechen witness described seeing the body of a Russian soldier with his throat cut. When asked by the witness why the soldier was killed, the rebel fighters purportedly replied that it was their standard practice to slit the throats of Russian captives.

Individual rebel field commanders were reportedly responsible for funding their own units, and some allegedly resorted to drug smuggling and kidnaping and ransom to raise funds. As a result, it often was difficult, if not impossible, to make a distinction between rebel units and simple criminal gangs. Some rebels received financial and other forms of assistance from foreign supporters of international terrorism. The international terrorist leader Osama Bin Laden reportedly sent funds, personnel, and material to elements in the rebel camp. According to press reports, as many as 400 of Bin Laden's followers may have joined the rebels from his base in Afghanistan (see Section 1.a.).

Government forces and Chechen separatists have used landmines extensively in Chechnya and Dagestan since August 1999. In April, the country announced plans to mine its border with Georgia. There is not accurate information on the number of those killed by landmines throughout Russia.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and numerous national and regional media reflect a multitude of opinions; however, government pressure on the media persisted and in some respects increased significantly, resulting in numerous infringements of these rights. The Government exerted pressure on journalists, particularly those who reported on corruption or criticized officials, by: selectively denying them access to information (including, for example, statistics theoretically available to the public) and filming opportunities; demanding the right to approve certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence the appointment of senior editors at regional and local newspapers and broadcast media organizations; removing reporters from their jobs; and bringing libel suits against journalists. Faced with continuing financial difficulties and increased pressure from the Government, many media organizations saw their autonomy erode during the year. The Glasnost Defense Foundation (GDF), an NGO that tracks violations of the rights of journalists in the countries of the former Soviet Union, estimates that several hundred lawsuits and other legal actions were brought by government agencies against journalists and journalistic organizations during 1999, the majority of them in response to unfavorable coverage of government policy or operations. During the year, judges rarely found for the journalists; in the majority of cases, the Government succeeded in either intimidating or punishing the journalist. On October 4 the Kirovskiy district court of Kazan ordered the local television company "Efir" to compensate Anatoliy Vasilyev, a former

candidate to the State Council of Tatarstan, for airing a program which, according to the court, falsely accused Vasilyev of deceiving his business partners. On November 1, Kirovskiy district court in Yekaterinburg ruled that an article in the local newspaper "Vecherniye Vedomosti Yekaterinburga" accusing Arkadiy Chernetskiy, the mayor of Yekaterinburg, of applying illegal methods in his election campaign, was false. The court ordered the newspaper to print a disclaimer, and to pay damages to Chernetskiy. On November 9, the Sovetskiy district court in the city of Bryansk required the local newspaper "Bryanskoye Vremya" to print an apology and to compensate Bryansk governor Yuriy Lodkin, who sued the paper for criticizing him in a way that he considered insulting.

With some exceptions, judges appeared unwilling to challenge powerful federal and local officials. Stiff fines for journalists were a common result of these proceedings; jail terms occasionally were handed down as well. Such rulings served to reinforce the already significant tendency toward self-censorship. Not infrequently journalists were attacked physically, although in the majority of these cases, no direct link was ever established between the assault and the authorities who reportedly took offense at the reporting in question. The financial dependence of most major media organizations on the Government or on one or more of several major financial-industrial groups continued to undermine editorial independence and journalistic integrity in both the print and broadcast media.

The concentration of ownership of major media organizations—already a serious threat to editorial independence in 1999—increased during the year. The largest media empires (including media outlets owned by the federal, regional, and local governments) remained intact. However, Media-Most, the country's largest independent company was under pressure by the Government and the Government resumed operational control of ORT. In particular, government structures, banking interests, and the state-controlled energy giants UES and Gazprom continued to dominate the Moscow media market even as they extended their influence into the regions. Continuing financial difficulties exacerbated this problem during the year, weakening the fiscal positions of most news organizations and thereby increasing their dependence on financial sponsors and, in some cases, the federal and regional governments. Although advertising revenues began to return to 1998 levels, they did not do so completely. As a result, the media's autonomy and concomitant ability to act as a watchdog remained weak. In key respects, private media organizations across the country remained dependent on the Government during the year. According to the GDF, some 90 percent of print media organizations continued to rely on state-controlled concerns for paper, printing, or distribution, while many television stations were forced to rely on the state (in particular, regional committees for the management of state property) for access to the airwaves and office space.

Moreover, journalists continued to depend on local authorities for accreditation to major news events. Reports of both favoritism toward reporters associated (or aligned) with the federal or local administration and denial of access to journalists representing independent media organizations were widespread. The Presidential Administration, for example, refused to accredit a reporter from the Moscow-based newspaper Novyye Izvestiya for President Putin's summer visit to China and Japan. Novyye Izvestiya has frequently criticized the President since his election in March. Kommersant Daily has also reportedly been denied access to some official sources. Moreover, in the immediate aftermath of the Kursk submarine sinking, the Government denied site access to all media except the official network, Russian Television and Radio (RTR), a decision that gave rise to heavy criticism from the majority of media outlets.

The GDF also reported that officials continued to manipulate a variety of other "instruments of leverage" even as they attempted to increase their dependence on financial institutions.

FSB in Volgograd, binding the same publications to inform the FSB before they publish any materials related to the security service. National independent media, such as NTV, expressed concern that such contracts would serve as examples for other regions around the country.

The private media continue to face more direct challenges from the Government as well. The Government owns about 150 of the 550 television stations in the country and nearly one-fifth of the 12,000 registered newspapers and periodicals. Of the three national television stations, the State owns Russian Television and Radio (RTR) and a majority of Russian Public Television (ORT); it also maintains ownership or control of major radio stations (Mayak and Radio Rossii) and news agencies (ITAR-TASS and RIA-Novosti). At the regional and local levels, governments operated or controlled a much higher percentage of the media than in Moscow; in many cities and towns across the country, government-run media organizations were the only major source of news and information, according to the GDF. Thus, in many media markets, citizens received information mainly from unchallenged government sources. In efforts to control the media, federal authorities issued orders and formulated doctrines designed to limit free expression and electronic privacy. On June 22 President Putin signed an amendment to the law on mass media that places restrictions on media coverage of narcotics issues, banning reporting on: "The location of illegal trade in drugs;" "methods of narcotics consumption"; and "the composition of drugs." Media outlets which violate these bans could be closed after two warnings. Newspapers did not successfully challenge the legality of the amendment during the year. On September 12 President Putin approved an Information Security Doctrine which had been adopted by the Security Council on June 23. The 40-page document outlined "threats to Russian national security" in the fields of "mass media, means of mass communication, and information technology." Sergey Ivanov, Secretary of the Security Council, claimed that the goals of the document are "the protection of the rights of the individual, freedom of speech, and the prohibition of censorship." However, the doctrine immediately raised concerns among journalists that its real purpose may be to consolidate government control over the mass media. Many observers viewed it as an indication that the Kremlin considers the media as "yet another sphere subject to the administration and control of the government." Although the document reaffirms the state's commitment to preserve the freedoms of expression and of access to information, it contains numerous clauses that are extremely vague, and which according to critics, can be interpreted very broadly by lawmakers and bureaucrats. Of particular concern, for example, were the clauses calling for an "increase in propaganda activity to counter the negative effects of the dissemination of misinformation about the internal policies of the Russian state"; and "clarification of the status of foreign journalists and media outlets" working in the country, in order to "place them on an equal footing with the domestic media."

The system of operative and investigate procedures (SORM) continued during the year to limit the electronic privacy of both citizens and foreigners (see section 1.f.).

Government intimidation and censorship, both direct and indirect, remained a significant problem during the year. On January 17 Aleksander Khinshtein, a journalist with *Moskovskiy Komsomolets* and TV-Center known for his frequent vitriolic attacks on senior Government officials, was visited at his home by armed FSB agents who demanded that the journalist accompany them to the city of Vladimir for "psychiatric testing." (Khinshtein produced documentation to the effect that he was ill and, in the end, was not forced to leave his home.) Police also charged the journalist with falsification of his Moscow driver's license; Khinshtein denies any wrongdoing. Khinshtein and many other independent observers characterized the arrest as "an act of intimidation designed to send a message." The case was closed on February 16. On March 15 the Moscow daily *Novaya Gazeta* reported that its computer network was hacked, preventing the publication of that day's edition. Dmitry Muratov, the newspaper's editor in chief, told the GDF that the hacking occurred on the very day that the newspaper was to publish a number of articles exploring irregularities in the financing of Vladimir Putin's election campaign. Muratov categorically ruled out any possibility of an "accidental" or "technical" failure. Muratov also stated that his newspaper had come under "increased pressure from the authorities" in connection with its reporting on corruption in the Government and the war in Chechnya. Moreover, Muratov stated that the newspaper was offered financial "favors" on a number of occasions in exchange for "reconsidering its political stance." The perpetrators of the computer attack were never identified.

The Government has also brought considerable pressure to bear on the largest media conglomerates. The most notable example of this phenomenon was the high-profile conflict between the Kremlin and Media-Most (owned by Vladimir Gusinskiy). The conflict, which became public in the summer of 1999, intensified significantly in 2000. Government-controlled media, including the RTR and the gov-

ernment-aligned ORT, continued to "expose" Media-Most's debts to state structures, including the energy giant Gazprom. The state filed a lawsuit against Media-Most and demanded repayment to the state-controlled Vneshekonombank of a \$42.2 million credit. In March the state-backed Gazprom repaid Credit Suisse-First Boston a \$211 million Media-Most loan that the firm had guaranteed in 1998. Immediately following the repayment, Gazprom demanded that Media-Most repay this debt, refusing to accept shares in the holding's outlets as a form of repayment. Media-Most executives and most media experts maintain that Gazprom acted at the behest of the Putin administration. On October 18 a district court in Moscow found for Media-Most in its suit against the FSB for "slandering its business reputation" as a result of information the FSB made public earlier in the year. The court held that the FSB must apologize for this on ORT during prime time; the FSB has appealed this decision.

Notwithstanding this pressure, the Media-Most media companies (including the NTV, the radio station Ekho Moskvyy, the news daily Segodnya, and the weekly Itogi) which are generally well regarded for their relative professionalism and independence, did not cede editorial ground. These media outlets continued to criticize President Putin and his administration on a wide range of problems, including the Kremlin's media policy. On May 11 masked law enforcement officers raided the offices of Media-Most in central Moscow and confiscated documents and technical equipment. The authorities charged that the holding's security service illegally recorded telephone conversations. Media-Most called the raid "a politically motivated attack on freedom of the press." In a statement, the Russian Union of Journalists termed it "an unconstitutional act aimed at intimidating the independent media." On June 11 Media-Most chief Vladimir Gusinskiy was arrested on charges of embezzlement of state property in the course of the 1995 privatization of Russkoye Video, a television production company in St. Petersburg. (The head of Russkoye Video remained in jail, although no formal charges have yet been brought against him.) While observers expressed differing opinions on the legitimacy of the charge, most disinterested analysts considered the arrest to be an "excessive" measure. Gusinskiy was released 3 days after his arrest following widespread domestic and international criticism. Although the progovernment media defended the arrest, arguing that "everyone is equal before the law," politicians, journalists, and observers in opposition to the Kremlin agreed that the case was politically motivated and that it augured poorly for the future of freedom of expression. After Gusinskiy's release, law enforcement officers once again raided the Media-Most headquarters and Gusinskiy's private residence, where they inventoried his property, reportedly in connection with the "Russkoye Video" case. On July 27 Gusinskiy left the country to join his family in Spain. On September 19 both Media-Most and Gazprom Media acknowledged that Gusinskiy, Media Minister Mikhail Lesin, and Gazprom Media head Alfred Kokh signed an agreement in July to sell Media-Most for \$300 million in cash and \$473 million in debt to Gazprom Media. The agreement, published in the media in September, contained a paragraph on the dropping of criminal charges against Gusinskiy, who later declared the agreement "null and void" for having been signed under duress—in his own words, "at gunpoint"—and indeed under the direct threat of imprisonment. Gazprom alleged that Media-Most hid assets in offshore companies. Deputy Procurator General Vasilii Kolmogorov said on September 19 that if these allegations were substantiated, he would launch a criminal case against the holding (see Section 1.d.).

On December 8 the Media Ministry ordered independent privately-owned MAKSTV in Sochi closed. According to the Ministry, the Station had violated both the law on advertising, by running a commercial for Ararat cognac in September, and the law on elections in early December. MAKSTV went back on the air in late December.

The Kremlin has also reportedly sought to strengthen its control over the country's most widely watched television network, ORT. In September the weekly "Sergey Dorenko Show," a widely watched news analysis program, was taken off the air abruptly after Dorenko aired a program on September 2 highly critical of President Putin's handling of the Kursk submarine disaster. ORT General Director Konstantin Ernst, a Putin appointee, reportedly instructed Dorenko to produce "a program the Kremlin could be happy with." When Dorenko refused, the program was terminated on September 9. Other senior journalists at ORT, such as Tatyana Koshkaryeva and Rustam Narsikulov, were also dismissed. On December 5 a group of law enforcement agents wearing masks and bulletproof vests searched the offices of ORT, confiscating boxes of financial documents. ORT had allegedly failed to pay customs duties on imported films that it broadcast between 1996 and 1998. The Prosecutor General stated that "there was no need to apply force" during the search and demanded the resignation of the investigator who led the raid.

Freedom of the press came under the greatest challenge in the country's farthest regions. On April 14 local authorities in the city of Saratov made changes to a front-page article in the local issue of the Moscow-based daily, *Izvestiya*, which leveled criticism against Saratov Governor Dmitriy Ayatskov. Phrases containing "unfriendly" content were edited out prior to the publication. Mikhail Kozhokin, *Izvestiya's* editor in chief, described this censoring action as an example of "the new phenomenon of oblast-level censorship." On April 19 St. Petersburg police confiscated the entire issue of the local newspaper, *Moya Stolitsa*, saying that the newspaper "lacked proper registration documentation." However, according to editor in chief Aleksey Razoryonov, the real issue was the newspaper's political leanings, not the registration documentation. The newspaper frequently carried articles critical of St. Petersburg Governor Vladimir Yakovlev. According to the GDP, on April 26 police once again confiscated issues of *Moya Stolitsa* from street vendors. However, the newspaper continued to publish. On May 1, police in Kamensk-Uralskiy, Sverdlovskiy Region, ordered Artyem Schadrin, a cameraman of the local television company Gong-TV, to erase a videotape showing participants at a May Day rally beating up his colleague, Gong-TV correspondent Konstantin Litvinenko. The police also warned Denis Poteryayev, a photographer of the local newspaper *Novyy Kompas*, not to publish the pictures he took during the rally. Later that day, several police officers visited the newspaper and ordered Poteryayev to expose the film containing the photographs in their presence. The journalist complied. On May 5, local authorities in Rostov-on-Don ordered the destruction of an entire issue of the local newspaper *Perekrestok Kentavra*. The newspaper contained an editorial about the upcoming inauguration of President Putin and a collage depicting Putin as a Nazi officer. The publication of "fascist symbolism," including Nazi imagery, is prohibited by law.

On July 26, local authorities arrested Irina Grebneva, the editor of Vladivostok newspaper *Arsenyevskiy Vest*, on charges of "petty hooliganism." Grebneva published uncensored, profanity-ridden transcripts of phone conversations of top regional officials, including Primorye Governor Yevgeniy Nazdratenko. Grebneva was convicted of the charges on which she was arrested and sentenced to 5 days in jail. When she was denied the right to appeal the decision, she launched a hunger strike to protest the sentence. *Arsenyevskiy Vest* is one of the few local newspapers which regularly criticized Governor Nazdratenko and his allies. The governor and local authorities have sued the paper for libel 22 times since Nazdratenko was elected in 1995. All of the cases are pending.

Journalists who publish critical information about local governments and influential businesses, as well as investigative journalists writing about crime and other sensitive issues, continued to be subjected to threats of physical violence, beatings, and murder. A number of independent media NGO's have characterized beatings of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

The press and media NGO's reported a number of killings of journalists, presumed to be related to the journalistic work of the victims, and dozens of other bodily assaults on journalists. As in 1999, police seldom identified the perpetrators of crimes against journalists. On July 16, Igor Domnikov, a Moscow journalist from *Novaya Gazeta* died in the hospital after a brutal beating in April. According to Dmitriy Muratov, editor in chief of *Novaya Gazeta*, the killing was directly linked to his professional activities. Press reports after the incident speculated that Domnikov was mistaken for his colleague Oleg Sultanov, an investigative reporter who has written extensively on alleged corruption in LUKOIL and the FSB. On July 18, Andrey Barys, a reporter from *Uralskiy Rabochiy*, was attacked by three unidentified assailants in the city of Kachkanar (Sverdlovsk oblast), where he had traveled to do a story on a criminal group headed by Valeriy Volkov. Shortly after his arrival in Kachkanar, Barys discovered that he was being followed by a group of men. Later, the men attacked Barys, telling him, "Don't poke your nose into Volkov's affairs!" After the beating, the men advised Barys to leave the city. The next day, Barys attempted to contact the local police, but the police chief refused to hear his complaint. On July 21, a correspondent of the local Yekaterinburg TV company ASV Prestige, Sergey Melnikov, was badly beaten; Melnikov and his colleagues contend that the attack was the result of his reporting on the city's illegal drug trade. The journalist had to be hospitalized with serious head injuries. No arrests were made.

On July 26 Sergey Novikov, president of Smolensk's only independent radio station, *Vesna*, was killed in his apartment building. Since 1999 the radio station had repeatedly denounced corruption within the ranks of the regional administration, the courts, and the police. A month before his death, Novikov wrote an open letter to Smolensk governor Aleksandr Prokhorov that included the names of officials suspected of corruption. The Ministry of the Interior classified the murder as a contract

killing and has not ruled out a link to Novikov's work as a journalist. On August 23 journalists from local Pskov newspapers were denied access to a meeting of Governor Mikhaylov with the employees of the farm Krasnyy Luch. When a journalist from Pskov Lenta Novostey, Tatyana Mustaykina, tried to convince the guards to let her in, Yuriy Kusov, an officer of local administration, arrived, grabbed Mustaykina by the hair, and attempted to force her to the ground. When Kusov realized that the episode was being filmed by a cameraman, he tried unsuccessfully to confiscate the camera. In October, the Pskov Procuracy decided that Kusov could be charged on administrative charges. Kusov was summoned to but replied he was sick. On November 9, the GUVd Chief received Kusov's request to close the case due to expiration of statute of limitations and the case was closed.

On September 22, Iskander Khatloni, a Radio Free Europe/Radio Liberty journalist was murdered in Moscow. The police have opened an investigation but have not so far released any information.

On December 17, Oleg Lure, an investigative journalist for Novaya Gazeta was severely beaten by five assailants. The assailants did not take either his money or valuables. Lure believes the attack was related to his articles touching on the interests of such individuals as the presidential chief of staff, the State Duma deputy, and his most recent article on alleged kickhUVDeIlfrem a an ofentblePe poliar the-ave

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troops in the Chechen city of Mozdok confiscated and destroyed an ORT videotape containing interviews with Russian soldiers. According to ORT correspondent Roman Perevezentsev, the crew had traveled into Mozdok to report on casualties among Russian troops in a recent combat operation in the Chechen village of Pervomayskoye. On March 15 the Russian Ministry of Press, Television and Radio Broadcasting, and Mass Communications issued a statement that warned the Russian mass media that providing air time or news-space to Chechen rebel leaders would be considered a violation of the counterterrorism laws. In April the Ministry issued specific warnings to the newspapers *Kommersant* and *Novaya Gazeta* for publishing interviews with Chechen president Aslan Maskhadov. No further action was taken. The new Information Security Doctrine approved by the Security Council in August implies that foreign media outlets, such as Radio Free Europe Liberty, represent a danger to the state. Human rights activists and journalists fear that media freedom could be even more severely restricted.

The Government generally respects academic freedom; however, human rights activists question whether recent cases such as Sutyagin and others discourage academic freedom and contact with foreigners on issues that might be deemed sensitive.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides citizens with the right to assemble freely, and the Government respects this right in practice. Organizations must obtain permits in order to hold public meetings. The application process must begin between 5 and 10 days before the scheduled event. Citizens freely and actively protested government decisions and actions. Permits to demonstrate were granted readily to both opponents and supporters of the Government. However, certain religious denominations such as Jehovah's Witnesses have been either denied permission to assemble, or once Ministry of Justice officials issued permission, local officials have withdrawn it.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. A 1995 registration law specified that organizations had until July 1999 to reregister. When the deadline expired, some human rights monitors expressed concern that an estimated 10,000 NGO's would be vulnerable to possible "liquidation" (elimination of juridical status by court order) by local authorities who were hostile to human rights or opposition political activity. In November 1999, the Federation Council rejected a bill passed by the Duma to extend the reregistration deadline by a year, a move which human rights activists marked as a potentially serious blow to freedom of association. The Ministry of Justice maintained that there were not a large number of liquidations as a result of the passing deadline. Most of the organizations that wanted to register were able to do so with the notable few whose names or charters were unacceptable to the authorities (e.g., Yablokov's Ecology and Human Rights).

However, a February report, prepared by the NGO Human Rights Information Center and the Center for Development of Democracy and Human Rights, cited Ministry of Justice statistics indicating that only 57.8 percent of the total number of organizations managed to reregister by the July 1999 deadline. According to the report, 42.2 percent of organizations became liable to liquidation of their juridical status. The report further claimed that only 12 percent of Moscow organizations succeeded in registering or reregistering. The report claimed that the net result was to reduce the overall number of organizations and to eliminate "politically undesirable" organizations from certain regions. While the numbers are high, many organizations continued to work without registration, while others reregistered under a new name. Reasons for failure to register varied, but a common thread was the request by the Ministry of Justice for many organizations to refrain from citing "defense of human rights" as one of their goals. The Ministry demanded that organizations such as Ecology and Human Rights, Glasnost Public Foundation, and Memorial remove such references since, according to the Constitution, NGO's are not among the institutions authorized to "defend" human rights. According to the reasoning used by the MOJ, such organizations can only aid the government and lawyers in the defense of such rights. Ecology and Human Rights managed to register in August, but only as a branch of an organization registered in St. Petersburg by prominent activists Aleksandr Nikitin and Grigoriy Pasko. Despite the apparent high number of unregistered groups, many organizations are defunct or changed names. Lyudmila Alekseyvena, Chair of the Moscow Helsinki Group, reported that the majority of groups that desired to register were able to do so, although sometimes this came after repeated attempts.

In addition to submitting their bylaws and the names of their leaders, political parties must present 5,000 signatures and pay a fee to register. The Constitution

and the Law on Elections ban the participation in elections of organizations that profess anticonstitutional themes or activities.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, although the Constitution also provides for the equality of all religions before the law and the separation of church and state, in practice the Government does not always respect the provision for equality of religions, and in some cases local authorities imposed restrictions on some groups.

In 1997 the Duma enacted a new, restrictive, and potentially discriminatory law on religion. This law replaced the progressive 1990 religion law that had helped facilitate a revival of religious activity. The new law ostensibly targeted so-called totalitarian sects or dangerous religious cults. However, the intent of some of the law's sponsors appears to have been to discriminate against members of foreign and less well-established religions by making it difficult for them to manifest their beliefs through organized religious institutions. The Presidential Administration has been mostly silent on implementation of the law. Implementation of the 1997 law on religion has varied in the regions. To a great extent, implementation depends on the territorial bodies of the Ministry of Justice in each area which are responsible for registering new organizations, reregistering existing organizations, and liquidating those that do not manage to reregister. In some areas such as Moscow, minority religious denominations like the Jehovah's Witnesses and the Salvation Army have not been able to reregister local religious organizations.

The 1997 law on religion has many ambiguous and contradictory provisions. The law creates various categories of religious communities with differing levels of legal status and privileges, distinguishes between religious "groups" and "organizations," two mutually exclusive registration categories, and creates two categories of organizations: "regional" and "centralized." A religious "group" is a congregation of worshippers that does not have the legal status of a juridical person. However, groups are permitted to rent public spaces and hold services. Moreover, the law does not purport to abridge the rights of individual members of "groups."

Organizations, both local and centralized, are considered juridical persons, enjoy tax exemptions, and are permitted to proselytize, conduct liturgical services and other religious activities, establish religious schools, host foreign religious workers, and publish literature.

Under the 1997 religion law, representative offices of foreign religious organizations are required to register with state authorities. In practice foreign religious representatives' offices (those not registered under the law) have opened without registering or have been accredited to a registered Russian religious organization. However, these representative offices cannot carry out religious activities and do not have the status of a religious organization.

Critics of the law have claimed that it violates the Constitution's provision of equality before the law of all confessions. In particular, many religious groups criticized the law's 15 year requirement and feared the consequences of the law's provisions limiting the actions of foreign religious missionaries. Officials at the local level have used the law to restrict the activities of religious minorities.

Human rights activists welcomed a March 1999 and December 2000 open letter to the President and Duma by Human Rights Plenipotentiary Oleg Mironov, in which he criticized the 1997 religion law and recommended changes to bring it into accordance with the Constitution and international norms for religious freedom. In practice the registration process—which involves simultaneous registration at both the federal and local levels—requires considerable time, effort, and legal expense and has proven onerous for a number of groups. International and well-funded Russian religious organizations, in particular, began the reregistration process soon after publication of the regulations. Russian Pentecostal groups, which have a solid and growing network of churches throughout the country, sought guidance from the Ministry of Justice on reregistration as early as November 1997. One of the larger organizations, the Russian Unified Fellowship of Christians of the Evangelical Faith (which traces its origins back to the early 1900's), reregistered as a centralized religious organization by late March 1998. It has since incorporated many smaller, newer Pentecostal groups within its structure. However, nearly 500 Pentecostal local religious organizations did not succeed in reregistering and are now subject to liquidation of their status as juridical persons.

The vast majority of organizations attempting to reregister as central organizations succeeded, although there were a few notable exceptions: Salvation Army, Ukrainian Orthodox Church, and a faction of the Muslim communities under the Mufti Tayzhuddin. By year's end, the Ministry of Justice estimated that 70–75 percent of local religious organizations needing to reregister had done so. However, these figures are misleading, since in some cases the organizations no longer exist.



The Russian Orthodox Church reregistered between 65–75 percent of its organizations, Protestant communities 78 percent, Muslim 60 percent, Jewish 80 percent, Buddhists 65 percent, and Catholic 70–80 percent. All organizations, according to the Congress of Religious Jewish Communities of Russia (KEROOR) and the Federation of Jewish Communities of Russia (FEOR) have reregistered at year's end. However, one of KEROOR's local Moscow organizations has not been able to register as a new organization, applying already three times unsuccessfully.

By year's end no religious organization had ceased operations as a result of the law; however the Salvation Army has had problems in Moscow trying to extend office leases and operate its food distribution program because landlords and social services personnel have assumed it has been liquidated.

Jehovah's Witnesses reported that since the 1997 law went into effect they managed to register or reregister 97 percent of their organizations. A total of 190 of those were organizations already extant which had to reregister. Some 156 were new organizations registering for the first time. There were several regions such as Tatarstan, Moscow, Chelyabinsk, and Kalbadrino-Balkaria where organizations experienced problems.

Hare Krishnas have experienced no problems at the federal level; however, they have encountered significant opposition from the Russian Orthodox Church. For many years the group operated underground, and in 1999 it successfully registered as a religious organization and received permission to lease a building in Moscow to use as a temple. The city has slated the area in which the current central temple is located as part of a new ring road, however, and Hare Krishnas have experienced problems in trying to obtain permission to build a new complex. The Krishna Movement has grown to more than 130 centers across the country and nearly 100,000 believers. They have experienced problems in the Krasnodar Oblast, particularly. The Procurator General of Moscow has opened an investigation into the group's liturgy as of October. Investigators claim they are examining whether the literature "incites criminal acts".

The Church of Jesus Christ of Latter-Day Saints registered or reregistered all of its organizations requiring registration by year's end but continued to encounter problems in registering four of its new organizations in Chelyabinsk, Tver, and Tatarstan. In September the directorate of justice in Chelyabinsk rejected the local registration application of the Church of Jesus Christ of Latter-Day Saints for a seventh time. Even without registration, the church continued to hold regular services without incident, although its missionaries experienced problems in registering with the local visa office; this required them to stay in a hotel in a different city and then travel to the area for brief periods.

The Society of Jesus (Jesuits) was denied federal registration because the order's status, which is independent of a local bishop, does not meet requirements contained in the 1997 law's provisions. However, on April 13 the Constitutional Court ruling authorized the Jesuits to be registered. This ruling in *Rossiskaya Gazeta* referred extensively to passages in the November 1999 Constitutional Court ruling (which effectively legalized registered organizations existing at the time of the passage of the 1997 law). The April ruling also specifically refuted points cited by the Ministry of Justice as reasons for initial refusal. By year's end they were registered.

Around sixty percent of Muslim organizations managed to reregister. The large percentage that did not is due partly to an internal struggle between the Central Spiritual Directorate of Muslims in European Russia and Siberia, based in Ufa and led by Mufti Talgat Tadzhuddin, and the Moscow-based Russian Council of Muftis, led by Chief Mufti Ravil Gainutdin. Due to the refusal to register Mufti Tayzhuddin's group as a central organization, many local organizations did not manage to reregister in time. Additionally, many rural parishes either did not know they needed to reregister or did not know how to go about reregistering.

The delays in reregistration are in part due to the slow pace at which the federal Ministry of Justice at first disseminated the regulations and guidelines to local authorities and to understaffing both at the Ministry of Justice and at local levels. Although the Ministry of Justice claims that internal organizational disputes, which lead to the failure of many religious leaders to prepare documentation properly, is to blame for the slow pace of registration. However, delays and rejections also are due in part to discrimination by some local officials against what they believe are "sects," such as Scientologists, Jehovah's Witnesses, Mormons, and others. In many instances, the Ministry of Justice asks for additional information and demands changes in the organizational structure and by-laws of some groups to ensure that they are in conformance with the law. In other instances, groups are rejected with no explanation. Another problem is the lack of congruence between regional and federal laws. As of 1999, of 89 regions, 30 had laws and decrees on religion that violated the Constitution by restricting the activities of religious groups. Government

authorities have attempted to deal with this by introducing a federal register of laws to ensure that laws conformed to the constitution.

The Moscow city authorities continued to create difficulties for some religious denominations. The Moscow Directorate of Justice continues to refuse registration to Jehovah's Witnesses in Moscow, despite the precedent set by the federal Ministry of Justice's April 30, 1999, decision to reregister Jehovah's Witnesses at the federal level. The Directorate has refused four applications for local registration by Moscow Jehovah's Witnesses for unclear reasons. In this case, the Judge has appointed an "expert panel" to assess the merits of the organization as a religion. In some cases, human rights groups have accused such panels of lacking objectivity and ruling according to political allegiance rather than legal criteria. In November the Salvation Army was denied registration by the Moscow City Appeals Court, which refused to register their Moscow branch as a Local Religious Organization (LRO). The Appeals Court upheld a lower court ruling that the organization could only be accorded the status of "representative of a foreign religious organization" since its headquarters is abroad. This denial has implications for other religious groups since it may affect the registration of Roman Catholics, Mormons and Jehovah's Witnesses.

Although it can be a slow and costly process, the judicial system has provided an appeal process for religious organizations threatened with loss of registered status or "liquidation" as a religious organization under Article 14 of the 1997 religion law. Some local churches initially denied local registration have been registered following successful lawsuits, as in the case of the Evangelical Lutheran Mission in Khakasiya in November 1998, when the federal Supreme Court overturned the verdict of the Khakasiya Supreme Court. In February 1999 the Supreme Court of Khakasiya rejected the regional procurator's request to nullify the registration of the Evangelical Lutheran Mission; the procurator plans to appeal the case. In 1998 a local Procuracy opened a civil case against the Word of Life Pentecostal Church in the Far Eastern city of Magadan under Article 14 of the 1997 religion law, accusing the Church of using cult practices to manipulate its members. After a lengthy delay, a Magadan municipal court finally dismissed the case in May due to insufficient evidence, a decision that was upheld in June by the Magadan oblast court. However, the Church fears that the same Procuracy soon may try to open a criminal case. The Word of Life Church also won a court battle for reregistration in March. A church member employed by the Government who was threatened with the loss of her job late in 1998 was still at her post as of June. Church officials report that two other church members were fired because of their religion, but such allegations are difficult to prove. Also, tax investigations on two separate charges continue. Church members reported that negative stories about them repeatedly appeared in the local state-controlled press, with no mention of their court victories. Despite the court case and other difficulties, the Word of Life Pentecostal Church continues its normal activities.

The Government has restricted the activities of a number of foreign missionaries and of congregations associated with them. There were reports that four foreign missionaries were being refused visas to return to the country. The former pastor of the Vanino Baptist Church in the Khabarovsk region was banned from receiving a visa based on allegations that he violated customs regulations and evaded property taxes; however, it appears that local authorities violated their own regulations and refused to take necessary actions (such as providing a timely tax assessment), which would have enabled the pastor to comply with the law. An official of the Church of Christ in Magadan also faced a criminal charge for failing to report \$8,000 to customs officials, reportedly because he feared that the money would be stolen. He was acquitted in December 1999, primarily because the investigation and prosecution were marred by serious violations of due process by local authorities. Local authorities then defied a court ruling to return the money, returning it briefly only to confiscate it a few minutes later, citing administrative customs regulations not applicable to the case. The third case, regarding the Church of Christ in Volgograd, appears to have been a response to articles in the local press accusing a church official of being a spy. Those allegations may have led local authorities to recommend to the Ministry of Foreign Affairs that a visa be refused. A member of the local congregation, reported in May that since local authorities no longer object to the missionary's return, it appears to be federal authorities who still are refusing to authorize issuance of a visa. A fourth missionary, of the Evangelical Free Church of America, who entered the country legally with a visa sponsored by a Moscow congregation, has been refused registration to reside in Naberezhniy Chelny, Tartarstan. The missionary, who is married to a Russian citizen, also has been refused permission to register as a resident foreign spouse of a Russian citizen. The letter of refusal he received from the Ministry of Internal Affairs' local passport control office cited "national security" concerns.

Critics contend that the Federal Government should be more active in reversing discriminatory actions taken at the local level and, when necessary, reprimanding the officials at fault. Also according to critics, the federal authorities need to take action to ensure that regional and local legislation or other actions do not contradict constitutional provisions protecting religious freedom. Government officials have established consultative mechanisms to facilitate government interaction with religious communities and to monitor application of the law on religion. Federal authorities and Moscow human rights monitors often have limited information about what is happening in the regions, however. According to various sources, most citizens, especially those living in the regions, still are skeptical about the protection of religious freedom and are reluctant to assert their rights due to fear of retaliation. Some local and municipal governments reportedly prevented religious groups from using venues, such as cinemas, suitable for large gatherings. In many areas of the country, government-owned facilities are the only available venues. As a result, in some instances denominations that do not have their own property effectively are denied the opportunity to practice their faith in large groups. Jehovah's Witnesses organized a convention to take place in Ivanovo on July 7–9. On July 4, the deputy head of the city administration issued an injunction prohibiting the convention. The Jehovah's Witnesses local leader, Yevgeniy Borisov, ignored the injunction and went ahead with the convention. However, on July 31, the Ivanovo Oktyabrskiy district court ruled that Borisov had violated the administrative order and sentenced him to 2 months of "correctional activities" (not incarceration) and forfeiture of 20 percent of his salary during this period. The Jehovah's Witnesses appealed this ruling, and the Regional Court of the Federal Judiciary System overturned the lower court ruling on the basis that the city administration's injunction violated federal law. On October 10, the Supreme Court ruled in favor of Sergei Airiyev, one of the Jehovah's Witnesses who had been accused by local officials of breaking the law by organizing a religious convention in Kislovodsk.

Reports of official harassment and punishment for religious belief or activity continued. Despite legal registration, members of some religions—including Protestant groups, Jehovah's Witnesses, and the Church of Jesus Christ of Latter-Day Saints—continue to face discrimination in their ability to rent premises and conduct group activities. For example, Jehovah's Witnesses report that in Volgograd, on August 20, national and religious extremists broke up their religious meetings and whipped some of their members. Criminal charges have been brought, but no prosecution or conviction has occurred to date. In six cases in St. Petersburg and Moscow, police arrested and harshly treated Jehovah's Witnesses while they were engaged in publicly discussing their religious views with neighbors. Two of these cases occurred in the Northern Administrative county in Moscow (where the trial to ban Jehovah's Witnesses will be heard). In four other cases, two men and two women were beaten by hooligans while engaged in public evangelizing work. Charges have been filed with the police. Jehovah's Witnesses report that there are currently about 20 cases across Russia where local authorities have arbitrarily refused to issue permits for construction, renovation, or occupancy of buildings to be used as houses of worship for Jehovah's Witnesses. In regard to a proposed house of worship in St. Petersburg, the Governor's Office is said to have stated that Jehovah's Witnesses had enough places of worship and any permit was subject to the feelings of local residents. Jehovah's Witnesses also report that in Alagir, Northern Ossetia, local authorities sealed the door of a newly built house of worship on July 5 and prohibited its use despite the fact that all permits had been obtained.

The Church of Scientology has been in conflict with authorities since a February 1999 raid on its Hubbard Center in Moscow by the tax police, FSB, and procurator. Since then the organization has faced charges that it engaged in a commercial enterprise without a license. The case is still pending. The Church has been repeatedly refused in its efforts to reregister its national center and register local religious organizations. While the Church has succeeded in registering 50 "Dianetics Centers" as social organizations, it has only managed to register 1 Church of Scientology in Moscow as of October. The Church reports that authorities have impeded the operation of its centers in Dmitrograd, Khabarovsk, and Izhevsk.

Groups such as the Catholic Church have complained about undue attention from the authorities in Moscow, being forced to submit to unwarranted fire inspections, document verifications by the Ministry of Interior, and harassment of believers at a Sunday Mass.

Property disputes are among the most frequent complaints cited by religious groups. Many synagogues, churches, and mosques were returned to communities to be used for religious services. The Federal Government met the requirements of the 1993 presidential decree on communal property restitution, and the decree continues to guide the ongoing process. According to statistics from the Ministry of

State Property, as of 1999 over 2,000 federally owned properties had been returned to religious communities since 1989. However, jurisdiction in most cases is at the regional level, and there is no centralized source of information on these cases. One Ministry of Culture official responsible for restitution of religious historical monuments estimated early in 1999 that over 3,600 transfers of religious buildings had occurred at the regional level and that approximately 30 percent of property designated for return had been transferred back to its original owners at both the federal and regional levels. Nonetheless, there continue to be reports of religious property that has not been returned. For example, the Roman Catholic Church of Saints Peter and Paul in Moscow has not been returned to the Catholic Church despite numerous appeals to the authorities and court. Twice in 1997 the Arbitration Court ruled against the Church. However, the Catholic Church continues to press for the return of this property despite the rulings.

Some Protestant faiths have suggested that the Russian Orthodox Church influences the Government regarding land allocated for churches of other religious groups. The Russian Orthodox Church denies such influence. The Jewish community, which had some success on communal property restitution, faces the same obstacles as other religious communities on the issue of the return of Torah scrolls, many of which are in state museum collections. In May the Ministry of Culture turned over 60 Torah scrolls to the Congress of Religious Jewish Communities, welcomed by the Jewish community.

In its preamble (which government officials insist has no legal force), the 1997 religion law recognizes the "special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia's spirituality and culture." It accords "respect" to Christianity, Islam, Buddhism, Judaism, and certain other religions as an inseparable part of the country's historical heritage. Russian Orthodoxy is considered in conservative nationalist circles as the *de facto* official religion of the country. Many Russians firmly believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian.

The Russian Orthodox Church was involved actively in drafting the 1997 law on religion. It has special arrangements with government agencies to conduct religious education and to provide spiritual counseling to members of the armed forces. These arrangements do not appear to be available to other religions. In particular, Muslim religious leaders have complained that they are not permitted to minister to Muslim members of the armed forces. The head of the Moscow Patriarchate of the Russian Orthodox Church, the Patriarch of Moscow and all Russia, participates in most high-level official events and appears to have direct access to and influence with officials of the executive branch. Even well-established foreign religious organizations have been characterized by the Orthodox leadership as "dangerous and destructive sects." In addition, during the year the Russian Orthodox Church entered into formal agreements with the Ministries of Education, Interior, and Tax. In the latter case, October press reports indicated that the Church has agreed to cooperate with the tax authorities in investigating tax infractions by religious organizations. However, the nature of such cooperation remains vague. The Ministry of Education sent a letter in September to the rectors of higher education establishments throughout the country alleging that 700 "foreign" religious groups—including the True Orthodox Church, Jehovah's Witnesses, and the Salvation Army—are involved in military espionage and the encouragement of separatist activity, and blames foreigners for allegedly encouraging splits within the "traditional" Russian faiths, the Orthodox, Muslims, Jews, and Buddhists.

The Independent Psychiatric Association of Russia, along with several human rights organizations, criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects" (see Section 1.c.). In such cases, authorities use pseudo-psychological and spiritual techniques to "treat" persons who were members of new religious groups. Human rights monitors condemned the secret video taping of a Pentecostal Church's service in Kostroma, which was introduced as evidence of hypnosis in a court case against the church in October. The Association of Independent Psychiatrists claimed that not only was the video taping illegal, but that the quality was so poor that any sort of conclusion drawn from it would be questionable. In addition, both human rights activists and independent psychiatrists believe that the "expert commission" appointed to review the tape was biased.

Although Jews and Muslims continue to encounter prejudice and societal discrimination, authorities have generally not inhibited the free practice of their religion. Other religions, including Buddhism and Shamanism, are practiced in specific localities where they are rooted in local traditions.

President Putin issued public expressions of sympathy for Jews and made a public appearance at the opening and on the first night of Hanukkah at a Jewish Cultural Center in Moscow. Nevertheless, he and his administration were accused by some

members of the Jewish community and some in the press of fomenting division within the community by supporting as head Rabbi of Russia the FEOR head Rabbi, Berel Lazar over the long-time Chief Rabbi of Russia, Adolf Shayeveich. Shayeveitch, is associated with a Jewish community organization headed by Vladimir Gusinskiy, owner of Russia's sole independent television network, which has been critical of President Putin and his support for Government forces in Chechnya. Fears of Kremlin interference in the Internal Affairs of the Jewish Community were reignited when, on October 19 law enforcement authorities conducted an illegal search of the Choral Synagogue's offices of Rabbi Pinchas Goldschmidt, who is aligned with Rabbi Shayeveich. While officials claimed that the search was not directed against the synagogue or Jewish community, but rather against the Media-Most Security Service then owned by Gusinskiy that was guarding the premises, investigators nevertheless focused on the Moscow Jewish Community's charter, membership lists, and the synagogue's financial documents. Moreover, during the search, investigators told a synagogue employee present that they were looking for evidence of money laundering. Organizations such as the Union Councils of Soviet Jews have accused the administration of harboring anti-Semitic figures. On September 7, Aleksandr Ignatov, identified as head of an office in the Presidential Administration, published an essay in the *Nezavisimaya Gazeta* claiming that a "Chasidic para-Masonic group" stood behind a supposed "world government" that was leading the drive for globalization. Subsequent to the publication of this anti-Semitic piece, the Ministry of Foreign Affairs reported that the Kremlin had established that as of October there was no Ignatov in the rolls of the Presidential Administration, and that it was conducting an internal investigation of the events surrounding the article's publication. It is unclear whether Ignatov indeed had been an official in the Presidential Administration.

Newly elected Kursk Governor Aleksandr Mikhaylov made anti-Semitic statements that were published in newspapers and aired on a television network. The Jewish community urged Putin to separate himself from the Governor. The Presidential District Representative Poltavchenko reprimanded Governor Mikhaylov in public and Mikhaylov apologized for his comments to the press.

The Federal Government states that it has moved forward on its promised initiatives against extremism and anti-Semitism, but only limited steps have been taken. In November 1998, the Duma adopted a resolution against public statements damaging to interethnic relations in the country. In March 1999, the Government presented to the Duma a draft law on combating political extremism. The Duma is still considering a draft law forbidding "Nazi symbols and literature." Separately the Procurator General sent to regional procurators in January 1999 a letter describing the Moscow city procurator's experience in combating political extremism with instructions to cut off distribution of any literature or printed material depicting Nazi symbols. The Government also states that in implementing the presidential decree on extremism, it conducted interagency consultations, beginning in June 1999 and continuing on a quarterly basis, which involve the Presidential Administration, the judiciary, law enforcement bodies, and experts from outside the Government. A government review of the implementation of existing laws against acts of national, racial, and religious hatred revealed that 25 criminal investigations were conducted in 1998, and 10 were opened by June 1999.

A prominent public figure who has regularly engaged in anti-Semitic remarks is Krasnodar region's former Governor Nikolay Kondratenko. During his tenure, the governor's speeches often contained anti-Semitic remarks and stereotypes and blamed Jews and alleged Jewish conspiracies for the country's problems. For example, Kondratenko had said that the essence of Russian history is the Russian battle against Jewish domination. He blamed "Zionists" for the war in Chechnya, for the destruction of the Communist Party, for attacks on the Russian Orthodox Church, and for introducing homosexuality into the country. According to credible reports, Kondratenko urged the firing of Jewish public employees in the region.

Particularly troubling to human rights groups and some of the Russian media has been the very public support of Kondratenko by the Kremlin-backed party Yedinstvo. Minister of Emergency Situations Sergey Shoygu, who heads Yedinstvo, openly encouraged Kondratenko to run again in the December elections. According to NTV reports, the Kremlin sent public relations specialists to the region in early September to organize a "grass roots" campaign of support for Kondratenko's candidacy, although Kondratenko decided against running for another term.

Several religious groups encountered extremist violence this year, with little or belated response from the local authorities (see Section 5).

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continue to restrict this

right through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. Although the rules, which came into effect at the beginning of 1996, were touted as a notification device rather than a control system, their application has produced many of the same results as the propiska system. Corruption in the registration process in local police precincts is a problem. Police demand bribes in processing registration applications and during spot checks for registration documentation.

While citizens are free to travel within the country, the Government also imposes registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and use to register with local authorities for visits of more than 3 days (in Moscow, 24 hours). However, travelers not staying in hotels usually ignore this requirement. Citizens must register to live and work in a specific area within 7 days of moving there. Russian citizens changing residence within the country, as well as persons with a legal claim to citizenship who decide to move to Russia from other former Soviet republics, often face enormous difficulties or simply are not permitted to register in some cities. In 1999 UNHCR and refugee rights NGO's cited Stavropol, Krasnodar, Moscow, and St. Petersburg as being the cities least open to migrants (although some NGO's dispute including St. Petersburg on this list). This continued to hold true this year. The cost of permanent registration is only \$0.30 (8 rubles). Temporary registration is available for periods ranging from 45 days to 6 months and costs \$0.16 (4 rubles and 18 kopeks) regardless of the length of stay. The Government and many residents of Moscow and other large cities defend registration as necessary in order to control crime, keep crowded urban areas from attracting even more inhabitants, and gain revenue.

There have been several disputes between the central authorities and regional governments regarding internal "passports," identity documents required for obtaining many governmental services. On December 15, the Presidents of Tatarstan, Bashkortostan, and a presidential representative of the Volga federal district reached an agreement on resuming the issuance of passports to residents of the two republics. Both leaderships suspended issuing passports three years ago to protest the failure of new Russian passports to indicate the bearer's ethnicity. Under the agreement, a special page will be inserted in passports issued in Tatarstan and Bashkortostan giving the bearer's data in the national language.

While federal law provides for education for all children in the country, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration. Similarly, while the Moscow procurator's office has upheld the right of migrants to receive publicly available medical care, those services are frequently denied to unregistered persons, migrants, and asylum seekers.

The city of Moscow frequently is cited by NGO's for violating the rights of non-residents and ethnic minorities, as well as the rights of those legitimately seeking asylum. Mayor Luzhkov has in the past called for the expulsion from Moscow of Chechens and other persons from the Caucasus. Moscow police, particularly special duty OMON (special forces unit of the Ministry of Interior) units, conduct frequent document checks, particularly of persons who are dark-skinned or appear to be from the Caucasus or elsewhere. Such checks on many occasions have involved police entering residences without warrants. There are many credible reports that police fined unregistered persons in excess of legal requirements and did not provide proper documentation of the fine. According to HRW, it is not unusual for darker-skinned persons to be stopped at random and for officers to solicit bribes from those without residence permits.

In connection with bomb explosions in August and September 1999 which Moscow officials attributed to terrorists from the Northern Caucasus, Mayor Luzhkov issued an ordinance on September 13, 1999, requiring all temporary residents in Moscow since January 1, 1999 to reregister within 3 days with the Ministry of Internal Affairs. Reportedly 74,000 temporary residents sought reregistration, and approximately 15,500 were refused. In order to reregister, residents had to demonstrate a legal place of work, payment of city taxes, and a legal place of residence. Moscow authorities also restricted the arrival of new residents to the city and increased road checks and checks in train stations and marketplaces for these new arrivals. Law enforcement officials conducted searches of 26,500 apartments, 180 hotels, 415 guest houses, and 548 nightclubs and cafes. Police continued to conduct road checks at train stations, but the number of people detained was reportedly much less than last year. Human rights NGO's claim that authorities detained some 2,000 persons and expelled 500 from Moscow (see Section 1.d).

In April, the Movement for Human Rights in Moscow joined forces with the procurator general to challenge Moscow's registration requirements in Moscow City

Court. In September the procurator's office, in what many believe was a political concession, withdrew its support for the lawsuit. Nevertheless, on September 25 the Moscow City Court ruled that the city's rules on registration were unconstitutional, violating the Constitution's guarantee of freedom of movement. The Supreme Court overturned an earlier similar decision by the Moscow City Court and forced the court to hear the case again. In October the requirement was still in effect, and the practice—which police reportedly use mainly as a threat to extort money—continues.

The 1999 Moscow Helsinki Group's (MHG) human rights report highlighted restrictions placed by the authorities on Meskhetian Turks. During 1989–90 some 90,000 Meskhetians were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan. An estimated 60,000 Meskhetians remain in the Russian Federation. More than 13,000 of them settled in Krasnodar Kray, and approximately 700 settled in the Kabardino-Balkaria Republic. Authorities in Krasnodar Kray and the Kabardino-Balkaria Republic deny the Meskhetians the right to register, which deprives them of all rights of citizenship, despite the provisions of the Constitution that all Meskhetians who were residing in the Soviet Union at the time of its collapse are entitled to citizenship. Meskhetian Turks living in Krasnodar, like other ethnic minorities, are subject to special registration restrictions, for example, having to register as a "guest" every 45 days. According to the MHG, in May 1998 Krasnodar Kray authorities initiated an attempt to compel Meskhetians to emigrate to Turkey. By September 1998 it was believed that almost 90 families had left the region for Turkey. Krasnodar human rights groups continue to state that the situation in Krasnodar has not improved. In December, the speaker of the Krasnodar Duma stated in an interview that approximately 30 families had left the region but later returned.

The Constitution provides all citizens with the right to emigrate. The Government imposes nominal emigration taxes, fees, and duties. On average it takes three months to process a passport application, although it can take much longer if documentation is needed from elsewhere in the former Soviet Union.

Some liberal principles regarding emigration procedures were codified formally in a 1996 law on exit from and entry into the country. This law abolished the old Soviet requirement that, in order to emigrate, citizens must receive a stamp permitting "permanent residence abroad" (PMZh)—essentially a propiska for those living outside the country. The law required the Ministry of Internal Affairs, through its Office of Visas and Registration (OVIR), to establish regulations for eliminating this practice within six months of the passage of the law. However, implementation of the law (which was to go into effect early in 1997) is still incomplete. According to the International Organization for Migration (IOM), border guards continue to require a PMZh-like stamp of all emigrants, and the passport control agency OVIR continues to issue it.

Another feature of the 1996 law is the codification of the legal grounds for denying foreign travel documents to citizens who had access to state secrets. Under the new law, access to such classified material can occur only with the consent of the citizen, established in the form of a written contract that states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of five years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision has raised serious concerns among human rights advocates who monitor arbitrary and excessive powers on the part of the Government to restrict foreign travel. There was one report that the provision was applied in a restrictive manner. According to human rights monitors, in 1999 the FSB told Raisa Isakova, a former researcher at a secret institute in Omsk, that if she did not sign compromising testimony against the Jewish Agency (an NGO that promotes emigration to Israel), her application for an exit visa to Israel would be denied. When she refused to sign, the Ministry of Foreign Affairs informed her that she was ineligible for a visa until 2003.

If a citizen had access to classified material, police and FSB clearances are necessary to receive an external passport. Persons denied travel documents on secrecy grounds can appeal the decision to an interagency commission (called the Ivanov Commission) chaired by the First Deputy Foreign Minister. The Ivanov Commission cannot rule on whether the material should or should not be classified, but it can rule on the legality of travel restrictions imposed and on whether or not the traveler actually had access to materials requiring a travel restriction. Since it was established in 1994, the Ivanov Commission has granted travel permission to approximately 90 percent of appellants.

Other grounds for denial of the right to travel abroad are military conscription or assignment to civilian alternative service (although in fact the Duma has failed to pass legislation implementing the constitutionally provided right to civilian alternative service), being under investigation for or serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application. The requirement that citizens satisfy obligations to immediate relatives, such as material support for parents, was eliminated except for court-ordered obligations such as alimony payments.

Emigrants who resettled permanently abroad have been able to visit or repatriate without hindrance. However, visiting emigrants who departed without first obtaining a PMZh stamp have been stopped at the border and prevented from departing the country (although they may enter without difficulty), since they could present neither a nonimmigrant visa to another country nor evidence of permission to reside legally abroad.

The current conflict in Chechnya resulted in a large number of internally displaced persons (see Section 1.g.). International organizations estimate that the number of IDP's who left Chechnya as a result of the conflict reached a total of about 280,000 at peak. Of this total, most of the IDP's went to Ingushetiya (245,000), 6,000 were reported in Dagestan, 3,000 in North Ossetia, and 6,000 in the Republic of Georgia. A total of 20,000 Chechen IDP's were reported to have gone to other regions of the Russian Federation. Reliable information on the number and status of displaced persons within Chechnya itself was especially difficult to obtain due to heavy fighting and limited outside access to the region. At times as many as 200,000 persons were estimated by the UNHCR to be displaced within Chechnya and without access to humanitarian assistance. In addition, 6,000 Dagestani IDP's were reported displaced within Dagestan. At various points during the conflict, authorities restricted the movement of the IDP's fleeing Chechnya. According to some reports by NGO's, border guards at times permitted only ethnic Russians to cross into Ingushetiya. According to the press, some displaced persons were transported by bus back to parts of Chechnya that were under Russian Government control. Refugees at the border sometimes had to live in the open, often without access to food or water. Russian border guards and police officers on the border between Chechnya and neighboring regions—and at checkpoints within Chechnya—reportedly required Chechen refugees to pay money to pass. According to UNHCR, authorities early in the year prevented medical supplies for Chechen hospitals from entering Chechnya; however since spring they have been able to do so. Some refugees also had trouble moving about because their documents were lost, stolen, or confiscated by Russian authorities. The NGO Civic Assistance estimated in October that only 141,870 of 171,000 IDP's were able to register and thereby receive aid (see Section 1.g.). In April North Ossetia's Deputy Prime Minister stated that an estimated 15,000 South Ossetian refugees, who fled to North Ossetia from Georgia in the early 1990's to escape ethnic violence, should be sent back to the country. North Ossetian officials claim that refugees occupying sanatoria and tourist facilities have deprived the republic of millions of rubles in income.

Human rights NGO's and press organizations reported that federal and republic authorities at times pressured the IDP's to return from Ingushetiya to Chechnya. According to these reports, government officials singled out persons from Chechen towns and districts that were designated as "safe" by the Government. According to some accounts, refugee camp administrators announced that persons from these areas would no longer receive food rations. After international criticism of these actions, government officials publicly said that they would not pressure or compel refugees to return to Chechnya. At the same time, authorities consistently announced their determination to repatriate all refugees back to Chechnya as soon as possible.

The Government rarely provides first asylum. It cooperates to a limited extent with the UNHCR and the IOM. Both organizations assist the Government in developing a humane migration management system; this includes effective and fair refugee status determination procedures. As of July 31, the UNHCR had registered 40,000 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR estimates that only 11,000 of these are active cases, i.e., persons still seeking asylum or receiving UNHCR assistance. The remainder either integrated into Russian society, left the country, or have been resettled or repatriated. According to the NGO Civic Assistance, as of October, the Government had granted refugee status to only 39 petitioners.

According to UNHCR, as of October, the Government had granted refugee status to 238 petitioners this year. Of the 238, 141 were from outside the CIS countries and 97 were from the "near abroad" or other CIS countries.

According to the UNHCR, between 1993 and November 1999, the Government granted refugee status to only 491 persons from outside the former Soviet Union,



including the Baltic states; all but 17 of those individuals were from Afghanistan. By contrast, the comparable figure for former citizens of the Soviet Union apart from the Baltic states (mainly ethnic Russians) who were granted refugee status by the former Federal Migration Service (FMS) is 98,188. The Government acted more expeditiously for the latter group and applied a more lenient standard.

The UNHCR and Amnesty International were working with the FMS and border officials to ensure that interviews of potential refugees are conducted in a timely fashion, that the UNHCR is allowed access to potential refugees in airport transit lounges, and that deportations of potential refugees are delayed until cases are adjudicated. However, under government reorganization, the FMS was disbanded with its functions and responsibilities transferred to other ministries. There continues to be widespread ignorance of refugee law both on the part of officials (MVD, EMERCOM, Border guards) and would be petitioners.

According to Civic Assistance, involuntarily displaced persons and asylum seekers suffer the greatest difficulties in cities with restrictive registration regulations. Their migrant registration documents generally are not recognized by the MVD officials who control registration. They often are subject to harassment, unauthorized detention, and extortion of bribes.

A large number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remain in the country. The Government has not deported them but encourages their return home. The number of persons in Russia from these countries has increased in recent years due to the recent arrival of persons seeking refugee status.

The situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 Airport continues to be of major concern to the UNHCR. Improperly documented passengers are deported systematically, including persons who demonstrated a well-founded fear of persecution in their countries of origin. If a passenger wants asylum, Aeroflot gives out telephone numbers for FMS and UNHCR, but these numbers are not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there are also no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers are not allowed to leave the transit zone and often are returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airline returns them to their point of departure as quickly as possible. (Airlines are fined if an undocumented passenger is admitted to Russia but not if the passenger is returned to the country of origin.) Human rights organizations allege that Aeroflot improperly deports hundreds of asylum seekers. Until 1998 the FMS Point of Immigration Control (PIC), whose officials are responsible for processing requests for refugee status, was located outside of the transit zone, where asylum seekers were unable to reach it. The PIC now has a fully equipped office inside the transit zone, which UNHCR staff are also permitted to use.

The PIC interviews almost exclusively persons referred to it by the UNHCR. According to the UNHCR, the process is neither fair or effective; as of the end of 1998, the PIC had not yet rendered any decisions in favor of asylum seekers. As of late 1998, 82 percent of asylum seekers who managed to contact the UNHCR were deported before the former FMS made a determination of refugee status. The actual number of deportees is presumed to be higher, as many asylum seekers did not have an opportunity to contact the UNHCR.

The treatment of asylum seekers in the transit zone can be harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely release passengers from the transit zone, unless there is a medical emergency.

A group of about 1,400 to 2,000 Armenian refugees evacuated from Baku in the wake of late 1980's ethnic violence still are housed in "temporary quarters", usually in Moscow hotels or workers' dormitories. They are unable to return to Azerbaijan and are not accepted by Armenia; they also lack residency permits for Moscow. They have been invited to apply for Russian citizenship, which would entitle them to the benefits accorded to Russian forced migrants, but representatives of the community have stated that they do not believe such a step would improve their situation materially. They also have rejected offers of relocation to other regions, because they allege that the alternative housing that they are offered frequently is not suitable or available. Their situation remains precarious as the formerly state-owned hotels in which many reside are privatized. A number of eviction orders already were served in such cases. Despite official promises, their status and permanent housing had yet to be resolved by year's end.

The Constitution does not permit the extradition to other states of persons who would be persecuted there for their political beliefs or for actions (or inaction) that

are not considered a crime in the Russian Federation. However, according to press reports and the UNHCR, in December 1999 the Government deported seven North Korean refugees to China in an apparent violation of the Refugee Convention, despite promises to allow them to travel to South Korea for third country resettlement. The exact reason for the return of these refugees is unclear. The Government of China reportedly returned the seven to North Korea. Moreover, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature. Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants can be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system is reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups allege that this network is employed to detain opposition figures from the other former Soviet republics without actual legal grounds.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government, and citizens exercise this right in practice.

The Constitution also provides the President and the Prime Minister with substantial powers, which they used to dominate most areas of administration and day-to-day policy making and to limit the independence of the judicial branch. The judiciary is showing signs of limited independence in cases such as the Supreme Court acquittal of Nikitin, religious freedom cases in a number of reforms dealing with registration, and in the SORM case. Unlike its predecessor, this Duma is characterized by a strong pro-presidential center that puts a majority within reach for almost all presidential priorities. Competitive elections for various regional and local offices were held during the year, including elections for the chief executives in 44 of the country's 89 regions. Observers generally viewed the elections as free and fair. Challengers were able to defeat incumbents in almost one-third of the races for regional executive positions and losing candidates generally accepted the legitimacy of the voting results. There were problems in a number of regions relating to unequal access to the media, non-compliance with financial disclosure requirements, and use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Voters generally had the opportunity to choose among all serious candidates, but a regional court in the Kursk region struck the name of incumbent Governor Aleksandr Rutskoy from the ballot for alleged campaign law violations on the eve of the October 22 election. Many observers considered this court action to be politically motivated and arbitrary, particularly in light of similar campaign law violations allegedly committed by other incumbents, but the Supreme Court sustained the lower court decision on appeal.

A democratic election for the President took place in 1996 for the first time in the history of Russia as an independent state. Former President Yeltsin was re-elected in a generally free and fair election. After President Yeltsin's December 31, 1999, resignation, Vladimir Putin assumed the post of acting President. In March, in an election that was generally considered to be free and fair, Putin was elected President. While the opposition and the media leveled accusations of widespread election fraud, most international observers concluded that the results of the election were valid. There were credible reports of election fraud in some locations, particularly in the Republic of Dagestan and a few other regions with a long history of falsifying votes, but there was no evidence that such abuses were systematic or that they affected the choice of the new President. Problems with voting that did occur were due to a lack of attention to proper procedure or carelessness rather than to premeditation. Vote counting was generally transparent and absent of fraudulent intent.

In elections that were judged by international observers largely to be free and fair, a more centrist-leaning Duma was elected on December 19, 1999. Elections were conducted in all 89 of the country's regions, including 12 of the 15 districts of the Chechen Republic, where polling was suspended for the Duma elections. This election had a 69 percent voter turnout, and was the first democratic transfer of power in the country. In spite of efforts made by authorities to prepare for safe and orderly elections in the Chechen Republic, observers stated that many of the conditions associated with democratic elections could not be met.

Many observers pointed to problems with biased media coverage of the presidential election campaign. Paid political advertisements in newspapers often are disguised as legitimate news stories. Campaigns pay "under the table" for stories

favorable to their candidate, which allows them to bypass limits on campaign spending. In the final days of the presidential campaign, ORT (at that time aligned with the Presidential Administration) aired a false story reporting on a "grass-roots" initiative by a supposed group of homosexuals to support the Yabloko candidate Grigoriy Yavlinskiy. During the same period ORT aired several investigative reports about Yavlinskiy's supposed financial links to the head of Media-Most, Vladimir Gusinskiy. During these reports, footage of Gusinskiy, who is also the president of the Russian Jewish Congress, showed the Media-Most head in Jewish settings. Critics accuse ORT of playing on anti-Semitic sentiments within Russian society to discredit Yavlinskiy.

In July the Federal Assembly passed legislation according to which regional executive and legislative leaders will appoint members of the Federation Council instead of serving in that body themselves. Also during the year the President appointed high-level presidential representatives to exercise a range of oversight and coordination responsibilities in seven newly established federal districts. He established an advisory State Council consisting of leaders of all 89 regions. The net effect of these modifications to Russia's legislative and administrative structures for democratic development was not entirely clear at year's end.

In March 1999, President Yeltsin signed the Law On the Basic Guarantees of Electoral Rights and the Right of Citizens to Participate in a Referendum (Voting Rights Act) and the federal Law on Public Associations. These laws clarify which political public associations may participate in elections; add restrictions on preferential media coverage, donations, and financial or material support from foreign entities for campaign-related activities; introduce measures to reduce the number of noncompetitive political parties and candidates on the ballot; increase the level of information available to voters about candidates' financial and criminal history; and introduce provisions allowing multi-candidate constituencies. Changes to the Voting Rights Act affect legislation on both the federal and regional levels of the Russian Federation. The Constitutional Court was expected to rule on Voting Rights Act provisions that pertain to holding referendums, which may compel lawmakers to reconsider the law.

There were reports of politically motivated violence and intimidation during the gubernatorial campaign in St. Petersburg. Yabloko activists reported that police and others harassed them during the campaign and prevented them from distributing campaign literature. Not long after the presidential elections in March, two Yabloko student activists, Dmitriy Barkovskiy and Konstantin Suzdal, reported an attempt by the FSB to recruit them to spy on the political party. According to press reports, the students were threatened with dismissal from Baltic State Technical University, where they studied, and with conscription to fight in Chechnya if they refused. When they refused, they were expelled from the university. Barkovskiy is currently in hiding.

Human Rights Ombudsman Mironov's office set up a working group to monitor electoral rights violations in both the 1999 Duma elections and 2000 Presidential elections. In August 1999, Mironov called for legislation to increase the transparency of elections funding. To date no legislation has been passed.

Political parties generally are organizationally weak and rise and fall quickly. There are two exceptions -- the Communist Party and the pro-Putin "Unity" Party. In December, Putin submitted draft legislation that would require parties to have 10,000 members in order to be registered, with no less than 100 members in each region. The draft law would grant political parties a partial monopoly on running candidates for legislative office, erect serious hurdles for the registration of new political parties and give the executive branch and procuracy broad powers to regulate, investigate, and even close down parties. The law is scheduled for its first review in February 2001.

On November 29, State Duma deputies approved the first reading of a bill that would allow some regional leaders to seek a third and fourth term in office. The bill would amend an existing law, passed in October 1999, that forbids heads of regions to serve more than two terms in office. The law was passed on January 31, 2001.

Women are underrepresented in government and politics. In the December 1999 elections, 32 female deputies were elected to the 450-member Duma, a decrease from the 46 female deputies in the Duma elected in 1995. Only one woman, Valentina Matviyenko, serves as a Cabinet Minister.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Many domestic and international human rights groups operate freely. Most investigated and publicly commented on human rights problems, generally doing so without government interference or restrictions. Human rights monitors have worked

mostly unhindered by authorities in recent years; however, some local officials harassed human rights monitors (see Section 1.d.). The Government's attitude towards human rights NGO's varied. Officials such as Vladimir Kalamonov and Oleg Mironov regularly interact and cooperate with NGO's. The level of cooperation tends to depend on the perceived threat to national security or level of opposition that an NGO might pose. For example, NGO's monitoring prison conditions enjoy an excellent relationship with Government authorities, while those monitoring Chechnya enjoy a more tense relationship. On August 30, a uniformed militia officer and several armed masked men entered the offices of Glasnost Public Foundation, a human rights group that has been critical of official actions in Chechnya and abuses by the security services in general. Activists were planning a conference about the security services at the time of the raid. The authorities held participants on the floor at gunpoint for nearly 40 minutes while they checked documents of individuals and of the foundation. After the press learned of the incident and began to call the Glasnost offices, the security officials left without arresting anyone. Human rights activists viewed this raid as an act of intimidation on the part of authorities.

Several NGO's are headquartered in Moscow and have branches throughout the country. Some of the more prominent human rights organizations are the Public Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, the Union of Soldiers' Mothers' Committees, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups are recognized by government and legislative officials for their expertise in certain fields, and such groups participate (with varying degrees of success) in the process of drafting legislation and decrees. Also, the prominent human rights organization Memorial worked with the offices of Vladimir Kalamonov, Special Presidential Representative for human rights in Chechnya, turning to Kalamonov to provide security for trips to the regions.

Various types of regionally based human rights groups are being established. Socioeconomic rights groups are the most numerous and monitor issues such as unpaid wages and benefits. There are fewer civil-political rights groups, but according to Memorial these are growing in number. These groups include "generalist" organizations that cover the range of human rights issues and "specialist" organizations that cover only one issue. Public legal centers have been formed, due to the critical lack of legal advice that is available to the general public. These centers usually are run on a part-time basis by lawyers who, while they cannot afford to offer trial counsel or actual legal work, offer advice at no cost on legal rights and recourse under the law. Resources for human rights work became even scarcer after the 1998 financial crisis, threatening the work of NGO's. Most groups rely on foreign support in the form of grants to maintain operations.

Regional groups generally receive little, if any, international support or attention. Although at times they reported that local authorities obstructed their work, criticism of the Federal Government and regional authorities usually is permitted without hindrance. The threshold appears to be criticism of a specific political leader in the region (usually the governor or a senior law enforcement official). Local human rights groups have far fewer opportunities to interact with legislators in developing legislation than their Moscow counterparts; some are excluded from the process entirely by local authorities.

Because of the risk of kidnapping and ongoing military conflict (see Sections 1.b. and 1.g.), NGO's largely withdrew from Chechnya; some still operate but on a limited basis working from Ingushetia.

The Government's human rights institutions lack independence but some of them appear to be making efforts to promote human rights. The Office of the Russian Federation Human Rights Ombudsman appears to be working actively to develop its authority and public profile. Since taking office, Ombudsman Oleg Mironov has worked on becoming an increasingly high-profile government spokesman on human rights issues, despite earlier criticism by human rights organizations due to his lack of human rights expertise. Mironov's office has grown to over 150 employees and has several specialized sections responsible for investigating complaints of human rights abuses. The effectiveness of Mironov's office in assisting individual victims cannot yet be assessed accurately. However, Mironov continues to expand the scope of his activities, attempting to promote broader compliance with international human rights standards. During the summer of 1999, Mironov established a department of human rights education within his office. The staff of six, headed by Anatoliy Azarov (a former director of the Moscow School of Human Rights), developed guidelines and materials for teaching human rights to the public. The office also established a section on religious freedom. Perhaps most importantly, Mironov's office has issued four reports detailing human rights abuses in areas ranging from

psychiatry to pretrial detention. In eight of the regions, regional human rights ombudsmen established operations in a similar manner as Mironov. In many other regions, human rights commissions were set up. However, the effectiveness of the regional ombudsmen and committees differs significantly from region to region.

The President's Human Rights Commission, now composed primarily of government officials (unlike the 1993–96 commission under Sergey Kovalev, which included a large number of human rights monitors), appeared largely inactive during the year. Some human rights groups continued to complain that the Commission's focus has changed from advocacy of human rights to defending the Government's policy and that the Commission has failed to engage well-established human rights NGO's. According to Commission chair Vladimir Kartashkin, his role is mainly consultative and investigatory, without powers of enforcement. Kartashkin receives little financial support from the Government and has a very small staff that spends most of its time responding to letters from the regions.

The country has yet to comply with the UN Commission on Human Rights (UNCHR) resolution on Chechnya provisions to facilitate visits to the region by UN special rapporteurs and special representatives of the Secretary General. The country reportedly invited only the Special Representative for Children and Armed Conflict, and Special Rapporteur for Violence against Women, but explicitly de-linked these invitations to the resolution. The country did not invite the Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, or the Special Representative of the Secretary-General on Internally Displaced Persons.

Citizens can file appeals to the European Court of Human Rights (ECHR) in Strasbourg about alleged human rights violations that occurred after Russia's May 5, 1998, accession to the Council of Europe. Complainants need no longer exhaust all appeals in Russian courts before they can turn to the European Court. According to the press, the ECHR received 914 complaints from Russia, 60 of which are based on human rights violations in Chechnya. However, because the Government refused so far to respond to the initial complaints accepted by the ECHR (a procedural requirement), no cases have yet been heard.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination based on race, sex, religion, language, social status, or other circumstances. However, both official and societal discrimination still exist.

*Women.*—Domestic violence remains a major problem, since victims rarely have recourse to protection from the authorities. Police frequently are reluctant or unwilling to involve themselves in what they see as purely domestic disputes. Many women are deterred from reporting such crimes because of this and because the housing system makes it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. The underlying problem is that much of society, including some leaders in the human rights community, do not acknowledge domestic violence as a problem or do not believe it to be an area for concern outside the family. No reliable statistics exist to evaluate the true extent of the problem. There is a general lack of understanding of these problems in the legal community, and there is no legal definition of domestic violence. Some forms of battering are addressed in the new Criminal Code but are defined too narrowly to apply to most cases. There is also no national political will to consider these problems seriously. More than four dozen versions of a national civil law to address domestic violence have failed to make any progress in the Duma. Women's NGO monitor Yelena Yershova has pointed out that law enforcement authorities distinguish between crimes committed outside the home and "acts of violence" committed at home. In the latter case, such acts often are not treated as crimes, but rather as a domestic affair. In the first six months of the year, 4,787 persons were convicted of rape.

There are no current statistics on the reported rape or attempted rape of women. The Ministry of Interior states that in 1998 there were 9,014 cases of rape and attempted rape reported. In 1998 a HRW Europe researcher estimated that only 5 to 10 percent of rapes are reported to police. HRW further reported that Yekaterina Lakhova, former President Yeltsin's then-adviser on women's issues, estimated in 1997 that 14,000 women are killed by husbands or family members each year. However, HRW notes that these statistics underestimate the extent of the problem, due to underreporting of these crimes by victims. In 1996 the MVD estimated that 80 percent of violent crimes occurred in the home.

Hospitals and members of the medical profession provide assistance to women who have been assaulted. However, some doctors are reluctant to ascertain the de-

tails of a sexual assault, fearing that they may be required to spend long periods in court.

Trafficking of women for sexual exploitation is a very serious problem, particularly because of lack of adequate employment opportunities. Reliable statistics on the number of women involved are difficult to obtain (see Sections 6.c. and 6.f.).

Despite serious problems and difficulties in addressing these problems, many effective projects are underway. Approximately 40 crisis centers for women are in operation throughout the country, and their number continues to grow. The crisis centers formed an association in order to coordinate their efforts better, and they chose Marina Pisklakova, the Director of the crisis center ANNA, as President. The association held its first national conference September 1999, in Moscow. Since the conference, ANNA has been working with the Ministry of Interior to organize a class to educate police on domestic violence. Nongovernmental work in this area is recognized and supported by several government entities.

Women report sexual harassment in the workplace, and anecdotal information suggests that many potential employers seek female employees who are receptive to sexual relations. The phrase, "without complexes," is used occasionally in job advertisements. Some firms ask applicants for employment to complete a form including the abbreviation "VBO," a Russian abbreviation for "possibility of close relations," to which the applicant is expected to reply "yes" or "no." There is no law in the legal code that prosecutes sexual harassment.

Credible evidence suggests that women encounter considerable discrimination in employment. NGO's continue to accuse the Government of participating in discriminatory actions against women, contending that the Government seldom enforces employment laws concerning women. Article 19 of the Constitution states that men and women have equal rights and opportunities to pursue those rights. In addition Article 2 of the labor code prohibits discrimination, further stating that every person has the right for equal pay for equal work. Employers prefer to hire men, thereby saving on maternity and child-care costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. The problem of age-based discrimination is very relevant to women. Employers try to avoid the requirement of a three year paid maternity leave for childcare. Women continue to report cases in which they are paid less for the same work that male colleagues perform. There has been no recent substantial research in this area, so exact figures are difficult to ascertain.

Job advertisements often specify sex and age groups, and sometimes physical appearance as well. Women's average incomes generally are estimated to be significantly below average male incomes. Professions dominated by women are much lower paid than those dominated by men. Moscow human resources managers privately admit that discrimination against women in hiring is common. Unemployment, at 10.2 percent of the workforce, also disproportionately affects women.

In July 1999, Ingush president Ruslan Aushev issued a decree permitting men in the republic to have up to four wives. According to Aushev, the decision came in response to the republic's demographic situation, and he appealed to the Duma to make the necessary changes in the family code; the law was ruled unconstitutional.

*Children.*—The Constitution assigns the Government some responsibility for safeguarding the rights of children. The State endeavors to provide, within its limited means, for the welfare of children. While federal law provides for education for all children in the country, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration (see Section 2.d.).

The educational system includes both private and public institutions. Children have the right to free education until the 11th grade (approximately 17 years old). Students are obligated to stay in school until the 9th grade. Boys and girls are treated equally in the school system. Health care for children is legally free, although the quality varies and individuals incur significant out of pocket expenses.

A Family Code regulating children's rights and marriage and divorce issues came into effect in 1996; however, implementation of the code has been slow. Many Moscow charitable organizations established productive relations with the city government to address the needs of disabled children, as well as other vulnerable groups.

The position of many children deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. According to press reports, 40 percent of all children live below the poverty line. Children on the street often become dependent on illegal narcotics. To combat the growing number of children being abducted, police organizations are establishing programs to protect children.

Figures for homeless children are unreliable at best. Nationwide they range from 1 to 4 million. Oleg Zykov, head of the No to Alcoholism and Drug Abuse Founda-

tion, estimates that there are about 15,000 street children in Moscow alone. The St. Petersburg NGO Perspektiva estimate that about 3,000 children are actively involved in street life there and that 500 to 600 of these actually live on the streets. Many of these children have come from the regions, only to be sent back to where they came from by city police. One shelter director complained that young girls from Chechnya also were returned there, despite the danger to them. Homeless children often engage in criminal activities, receive no education, and are vulnerable to drug and alcohol abuse. Some young girls who find themselves on the street turn to prostitution in order to survive (see Section 6.f.).

An estimated 50,000 children run away from their homes each year. The main reasons children run away appear to be family violence, financial problems, or social problems such as drug or alcohol abuse by one or both of the parents. In Moscow approximately 6,000 children per year are brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stay in COVINA for no more than 30 days. During this period, the child's guardian is located and his or her case is investigated. However, in 90 to 95 percent of these cases, the police simply return the child to the family or to the institution from which the child ran away. Many officials consider domestic problems as private and prefer not to interfere.

In St. Petersburg local and international NGO's provide a variety of services for the homeless. In particular Perspektiva: Medecins du Monde (MDM) supports homeless children with a "social hotel" and a medical/social consultation center that provides medical help, vaccines, and referrals to hospitals and orphanages. Perspektiva also organizes specialized training seminars for medical and social professionals and city officials engaged in work with homeless youth.

As the former Soviet Union opened to the international community, attention focused on the status of orphans and the disabled, who were removed from mainstream society and isolated in state institutions. A complex and cumbersome system was developed to manage their life-long institutionalization. Three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Rather than focus on the needs of the child, the system revolves around the institution itself. Child welfare is easily lost within the bureaucracy; little clear recourse exists in instances of abuse by the system. Human rights groups allege that children in state institutions are provided for poorly (often because funds are lacking) and in some cases are abused physically by staff.

While there are no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several groups have compiled important information. Many NGO's including Human Rights Watch and Mental Disability Rights International, have called for reform to the child protection system. Several approaches have been proposed to reform the orphanage and have been implemented by regional governments with the help of international donors.

A 1997 report by the Ministry of Labor and Social Development, which is cited often, indicate that there are approximately 600,000 children registered as orphans. Of these children, 10 percent are orphans with no parents and 90 percent are "social orphans," who have at least one living parent who has given up the child to the State for a variety of reasons. Between 1993 and 1997, the number of registered orphans increased by 30 percent and the number residing in institutions by 35 percent. Concurrently, the number of children in foster families increased by 46 percent (most children are related to the members of their foster families). However, the number adopted has remained fairly consistent, with an overall increase of only 2 percent.

Although comprehensive statistics are not available, the prospects of children/orphans who are disabled physically or mentally are extremely bleak. The label of "imbecile" or idiot, which signifies "uneducable," is almost always irrevocable. The most likely future is a lifetime in state institutions. Even the label of "debil," or lightly retarded, follows a person throughout his or her life on official documents, creating barriers to employment and housing after graduation from state institutions. One study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights found that on graduation from a state institution for the lightly retarded at age 18, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. Even for those orphans classified as "normal," life after institutionalization poses serious problems, as they may lack the necessary social, educational, and vocational skills to function in society.

The existing system provides little oversight and no formal recourse for orphans who have been misdiagnosed as mentally ill or retarded, abused, or neglected. Facilities to which such children are remanded frequently use unprescribed narcotics to keep children under control. Boris Altshuler of the Rights of the Child Program

has called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification. Since 1998 the Ministry of Labor and Social Development has been working with the U.N. Children's Fund on a pilot program to establish regional children's rights ombudsmen. According to the Ministry and the Rights of the Child NGO, there are now ombudsmen in the cities of Yekaterinburg and St. Petersburg and in the regions of Novgorod, Kaluga, and Volgograd, and there are plans to establish new ombudsmen in two other regions. Ombudsmen can only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Trafficking in children and young girls is a problem (see Sections 6.c. and 6.f.). Conditions for children in prisons and pretrial detention are a problem (see Sections 1.c. and 1.d.).

*People with Disabilities.*—The Constitution does not address directly the issue of discrimination against disabled persons. Although laws exist that prohibit discrimination, the Government has not enforced them. The meager resources that the Government can devote to assisting disabled persons are provided to veterans of World War II and other conflicts. Special institutions exist for children with various disabilities, but do not serve their needs adequately. The Government does not mandate special access to buildings for the disabled. The NGO, Society for the Defense of Invalids, is working to broaden public awareness and understanding of problems concerning the disabled.

A 1995 law requires that firms with over 30 employees to either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for the disabled. The law also removed language defining an "invalid" as a person unable to work. However, the Government has not implemented this law. Some persons with disabilities find work within factories run by the All-Russian Society for the Disabled, but the majority are unable to find work and frequently are discouraged from working, forced to subsist on social benefits.

The December 1998 Human Rights Watch report "Abandoned to the State," documented the conditions which persist in many orphanages, including in special state orphanages for the disabled. Being disabled is still a serious social stigma in the country, an attitude that profoundly influences how institutionalized children are treated. Many physically or mentally disabled children are considered ineducable, even those with only minor birth defects. According to the report, many disabled children are confined to beds around the clock or to rooms that are lit, heated, and furnished inadequately. The children are given only minimal care by low-paid unskilled workers with no training in the care of the disabled.

*Indigenous People.*—Until its abolition by presidential decree on September 22, 1998, the Moscow-based State Committee for the Development of the North was charged with representing and advocating the interests of indigenous people. With only a small staff, its influence was limited. The Committee's functions were transferred to the new Ministry for Regional Affairs and Nationalities, which is directed by presidential decree to take "into account the need for singling out the most important issues of northern territories" as one of its priorities. A 1999 bill, signed into law by President Yeltsin, on indigenous ethnic communities, provides them with support, permitting the creation of self-government bodies, and permitting them to seek compensation if economic development threatens their lands. In some areas local communities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia; the Tatar and Bashkiri in the Urals; the people of the North, including the Enver, Tatarli, and Chukchi; and others work actively to preserve and defend their cultures, as well as the economic resources of their regions. In this context, some groups in the far eastern part of the country criticized the Government for not developing an overall concept for the development of indigenous people. Most believe that they are treated equally with ethnic Russians, although some groups believe that they are not represented or are underrepresented in regional governments. The principal problems for indigenous people center on distribution of necessary supplies and services, particularly in the winter months for those who live in the far north.

*Religious Minorities.*—Incidents of societal violence apparently based on religious belief decreased this year. Nevertheless, some serious incidents were recorded. On August 20, a group of extremists in Volgograd accosted a group of Mormons, beat four Russian members and threatened foreign missionaries. The same day, the same group similarly attacked Jehovah's Witnesses in Volgograd, beating a minister with a "Cossack" whip. Members of the victimized groups have accused the authorities of being slow to investigate these incidents and make arrests. To date there has been no prosecution in the Volgograd incidents despite the fact that the identity of



at least one of the accused perpetrators is known to authorities. On September 17, a group of extremists burst into a school in Ryazan where Jewish classes were being held and smashed windows, furniture, and an art exhibit made by the children, shouting death threats at the teachers present. Subsequent to the attack, the extremists left slogans on the school threatening to return and kill all the Jews. Police and local administration officials initially appeared to dismiss the case. Only after international and Moscow media began to probe the case did the authorities announce that four suspects were identified and would be charged with "hooliganism." As of October, local officials reported that they had identified and detained one suspect, but that he had inexplicably disappeared. An editor of the local newspaper *Vecherni-Ryazan* was threatened with dismissal for publishing an article related to the incident. There have been no developments in solving the bombings of two Moscow synagogues in May 1999 and in July 1999.

As foreign or so-called nontraditional religions in the country continue to grow, many Russians continue to feel hostility toward these "foreign sects," perhaps influenced by negative reports in the mass media and public criticism by Russian Orthodox Church officials and other influential figures. These sentiments appear to have sparked occasional harassment and even physical attacks.

During the Jubilee Bishops' Conference of the Russian Orthodox Church, August 13–16, the Church issued a document entitled "Fundamental Principles of the Russian Orthodox Church's Relations with Other Faiths." In the document the Church identifies denominations such as the Jehovah's Witnesses and Mormons as proselytizing "cults" whose operations on the "canonical" territory of Russia must be stopped. According to the document, the mission of other "traditional" confessions is possible only under the condition that they refrain from proselytizing or tempt the faithful away from the Church with material goods. Occasionally opposition to the dissemination of information came from religious groups. From time to time the Russian Orthodox Church has criticized the press for what it called "anti-church publications," but stopped short of imposing any church sanctions against particular authors or editors. However, the Church appealed to authors of what it considered inaccurate accounts of church history to "realize the sinfulness of their evil deeds."

Minority religious groups frequently complain of discriminatory stories in the media. Newspapers have published sensational or biased articles criticizing both traditional and nontraditional religious minorities. In October Russian Muslim groups complained of biased portrayal of Russian Muslims in a Russian State Television documentary entitled "Half Moon in the Caucasus." The documentary, Muslims claim, exaggerated the influence of radicals and implied that all Muslims were working to support the Chechen separatists.

Following large-scale emigration over the last two decades, between 600,000 and 700,000 Jews remain in the country (0.5 percent of the total population). While Jewish emigration rates are significantly lower than during the Soviet period, the number of Jews emigrating to Israel for economic and other reasons increased approximately 70 percent from January 1998 to January 1999. The vast majority of Jews—80 percent—live in Moscow or St. Petersburg. Jews continue to encounter societal discrimination, and government authorities were criticized for insufficient action to counter it.

Several reports of acts of intimidation were linked to anti-Semitic groups or motives during the year. Anti-Semitic leaflets, graffiti, and articles continued to appear in some regions, such as St. Petersburg, Ryazan, and Krasnodar. On September 7, an anti-Semitic article appeared on the pages of the prominent daily *Nezavisimaya Gazeta*, reportedly authored by Kremlin official Aleksandr Ignatov. In the article, Ignatov refers to a "Chasidic para-Masonic" group standing behind "world government" and globalization. Ministry of Foreign Affairs officials reported in October that no one by that name was employed in the Presidential administration and that an internal investigation was under way (see Section 2.c.). The attack in Ryazan on a Jewish School was one of the first incidents of its kind during the year. The attack was followed by the publication of an extremely anti-Semitic article in the *Vechernyaya Ryazan*, a local newspaper, accusing the local Jewish organization of orchestrating the attack to gain publicity and foreign financial support. A Jewish cemetery in Nizhniy Novgorod was vandalized in July. Police apprehended the juvenile offenders within 2 weeks, earning support from the local Jewish community, and received a reward from FEOR. On September 29, an orthodox Jew associated with the Moscow Choral Synagogue was attacked by a group of "skin heads". Similar attacks have occurred on Africans and African-Americans in Moscow and other cities.

The ultranationalist and anti-Semitic Russian National Unity (RNE) paramilitary organization, formerly led by Aleksandr Barkashov, appeared to have splintered and lost some of its support in the regions. The group ousted Barkashov in September,

and several of its affiliates split off from the organization, unhappy with the current leadership. The RNE claims a membership of 100,000 in 64 federation chapters, but press reports estimate its membership at 12,000, and it is registered officially in 22 regions. According to various pollsters, the radical movement appears to have won some degree of national name recognition and may enjoy the support of up to 3 percent of the population. According to press accounts, the RNE managed to get a representative elected to the local administration in Saratov. In Borovichi the RNE and another local Fascist group, Mertvaya Voda, were active, according to local Jewish leaders, and desecrated Jewish graves, mailed death threats to Jews, and displayed anti-Semitic posters. The local Borovichi Duma passed a decree in December 1998 prohibiting RNE activities and the distribution of its propaganda, and in March 1999 city and law enforcement officials formed a commission to counteract the RNE's activities and propaganda. In April 1999, officials from the Borovichi city administration invited the Harold Light Center, a Jewish NGO, to present a 2-day seminar on combating anti-Semitism and extremism. In August, a group of city and regional officials traveled to San Francisco to meet with law enforcement officials dealing with hate crimes, and in October the San Francisco officials traveled to Russia and participated in a hate-crimes seminar with their Russian colleagues.

Jewish NGO's claimed that anti-Semitic themes figured on the eve of the presidential elections, citing ORT's airing of a report showing opposition figure Grigoriy Yavlinskiy supported by Jewish leader Vladimir Gusinskiy, wearing a yarmulke and participating in a meeting with Jewish leaders (Rabbis included) in a cynical attempt to discredit Yavlinskiy among those who would find the association troublesome.

A prominent public figure who regularly used anti-Semitic remarks was former Krasnodar region governor Nikolay Kondratenko (see Section 2.c.).

*National/Racial/Ethnic Minorities.*—In July 1998, the presidential Human Rights Commission issued an official statement noting that "the increase in the threat of fascism" was "taking on visible and ominous features," and that incitement of national, racial, and religious enmity was "taking on an increasingly organized nature." It noted the increasing number of extremist groups that advocated racial supremacy and "national xenophobia" and commented that such groups were moving with increasing frequency from combat training (under the guise of sports training) to "acts of direct terror, hoodlum attacks on persons of 'unwelcome' nationality, the desecration of cemeteries, and explosions of monuments." The statement followed a number of wellpublicized incidents that spring, including several racially motivated attacks on members of minorities, particularly Asians and Africans. Attacks generally appeared to be random, inspired by racial hatred, and carried out by private individuals or small groups, some of whom were known to local law enforcement authorities for their racial intolerance or criminal records. In December, an African-American student was beaten on a tram in Moscow.

Roma and persons from the Caucasus and Central Asia face widespread societal discrimination, which often is reflected in official attitudes and actions. Police reportedly beat, harassed, and solicited bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Discrimination against persons from the Caucasus and Central Asia also increased concurrently with new measures at both the federal and local levels to combat crime. Law enforcement authorities targeted persons with dark complexions for harassment, arrest, and deportation from urban centers, particularly after the August 1999 bombing in Moscow. In Moscow such persons are subjected to far more frequent document checks than others and frequently are detained or fined in excess of permissible penalties, often without formal documents recording the infraction being drawn up and presented by police.

During the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by "skinheads" and members of other racist and extremist groups. Arrests seldom are made in most such attacks, many of which have been reported by human rights organizations. Many victims, particularly refugees who lack residence documents recognized by the police, choose not to report such attacks or report indifference on the part of police. On October 21, a group of "skinheads" in Moscow attacked Vietnamese residents in front of their dormitory. When Vietnamese residents poured out of the dormitory to assist in fending off the attackers, police intervened to protect the "skinheads." No arrests were made.

The Government reported that in 1998 authorities investigated 25 criminal cases on charges of incitement to national, racial or religious hatred. In July 1999, 10 cases were opened, and courts have ruled on 9 of them. Chechen IDP's and the Civic Assistance Committee for migrants reported that Chechens face great difficulty in

finding lodging in Moscow and frequently are forced to pay at least twice the usual rent for an apartment.

In February 1999, the republican legislature in Bashkortostan passed a law naming Bashkiri and Russian as its two official languages, but excluded Tatar. There are more Tatars than Bashkir in the republic, and Tatars constitute 30 percent of the republic's population. The legislature of the republic of Tatarstan appealed to the Bashkortostan legislature to include the language, but the appeal was rejected. On January 21, some 20 Tatars protested a draft version of the language law outside the republican legislature, and authorities arrested 7 of the protesters. The law still remains in effect.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the right to form and join trade unions, but practical limitations on the exercise of this right continue to arise from governmental policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR), the successor organization to the Communist trade unions. Approximately 55 percent of the work force is unionized (of an estimated 72.4 million workers), and approximately 4 percent of union members belong to independent unions. However, there is no authoritative data on union membership, because there was no mandatory reregistration of union members following the Soviet era, during which all workers were registered as trade union members. Union membership overall has fallen as a result of economic restructuring, including the closing of some enterprises and a resistance by some foreign companies to trade union activities.

The FNPR claims that some 80 percent of all workers belong to the FNPR, although International Labor Organization (ILO) representatives state that 60 percent is a more accurate estimate. The FNPR thus largely dominates the union movement and provides a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its predecessors, including office and recreational property. The majority of its income comes from sources other than dues, such as rental income, sale of real estate, and fees for member services. Its unions frequently include management as part of the bargaining unit or elect management as delegates to its congresses. The FNPR and other trade union federations act independently on the national political level, but FNPR unions sometimes are affiliated closely with local political structures. Political parties often act in parallel with unions, for example, in calling for a national day of protest.

Benefits of membership presently vary depending on union affiliation and generally discourage the formation of new unions. These benefits are largely financed by the Social Insurance Fund. As the largest group of trade unions, FNPR enjoys a privileged position with regard to the distribution of state funds at the municipal, oblast, and federal levels. It routinely decides who receives benefits, such as child subsidies and vacations, based on the politics or affiliation of union members. However, the new tax code, effective January 1, 2001, will include a single social tax and essentially end trade union control over the distribution of social benefits at the federal level. FNPR sees this as a threat to its dominant role. Other trade unions worry that a consolidation of social security assets in the federal budget and an additional layer of bureaucracy in the distribution of benefits will lead to reduced benefits for workers and the public in general.

The number of court decisions supporting the right of association and ruling in favor of employees increased during the year. However, the enforcement of these court decisions remains a problem. Moreover, most workers do not understand or have faith in the legal structure, fear possible retaliation, and thus are reluctant to bring cases to court. For example, the Association of Flight Personnel at Vnukovo Airport (an independent union) won an out-of-court dispute over unpaid monthly bonuses in December 1998. Members of the union, who numbered 100 at the time, subsequently found themselves excluded from the list of payees. The only reason appeared to be their union membership, as those who quit the union immediately received bonuses. In January 1999, the union filed a lawsuit. After several postponements, management agreed in March to pay the remaining 10 members bonuses owed since December 1998.

Management and FNPR local unions often work together to discourage the establishment of new unions. In August 1999, management at the Alit Factory and the Sverdlovsk Oblast FNPR leadership convened a "trade union conference" where a newly elected chairman of a local construction workers' union was dismissed from her position. The chairman filed a case in the municipal court, claiming that management and the oblast committee of FNPR were not authorized to convene a local union's conference and that conference participants were not even members of the local union. The municipal court refused to hear the case. The chairman appealed

the decision to the Oblast Court, which ruled in her favor. The case has been sent back to the lower court for review.

In accordance with the federal Law on Public Organizations, all civic organizations founded before 1994 were required to reregister with the Ministry of Justice by July. The registration procedure for NGO's requires that the local departments of justice check all articles of charter documents for compliance with existing laws. However, the registration procedures for unions are governed by the Law on Trade Unions, which specifies that registration requires a simple "notification" and submission of documents. Departments of Justice throughout Russia have ignored the procedures set out by this law and continually refused to register new unions by requiring changes in charter documents or confirmation of attendance at founding conferences. In one case in Sverdlovsk Oblast, the local Department of Justice demanded that founders of a trade union sign again the founding documents in the presence of a Justice Department official, a procedure not required in any law. Such practices have prevented the registration of new unions or the reregistration of existing ones.

Department of Justice officials extended their authority far beyond the letter of the law and in some cases canceled the registration of unions. In 1997 the Sverdlovsk Court of Arbitration canceled the registration of a local union of utility workers at management's request. The Supreme Arbitration Court in June cancelled the initial ruling and sent the case back to the lower court for review. Recovery of registration will allow the union to again become a legal entity and reinstate its chairman, who had been illegally fired. In March the leader of a union of ambulance drivers in Nizhniy Tagil received a warning from the local procurator's office, demanding that she stop interfering with the work of her ambulance depot. The municipal court ruled that the leader be fined. The leader appealed the case, and the Sverdlovsk Oblast Court ruled in her favor in May. In the opinion of independent lawyers, these actions contradict the laws governing union registration and are a direct and illegal attempt to discourage labor activism.

Court rulings have established the principle that nonpayment of wages—still by far the predominant grievance—is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on the nonpayment of wages is not recognized as a strike, and individuals are not protected by the labor law's protection against being fired while on strike. Prior to 1999, collective actions on this issue were considered strikes if they concerned violations of a collective bargaining agreement that specified the time frame for wage payments.

The right to strike is difficult to exercise. Most strikes are considered technically illegal, because the procedures for disputes are exceedingly complex and require coordination of information from both sides, even before courts are involved. Strikes may be reviewed by a civil court to establish their legality. The Russian Law on Resolution of Collective Labor Disputes specifies that if a strike could affect the safety or health of citizens, then a minimum level of essential services must be provided. Under such a definition, it is difficult to exclude any public sector employees. After a trade union declares a strike, the trade union, management, and local executive authority have 5 days to agree on the required level of essential services. If no agreement is reached—which is often the case, the local executive authority simply decrees the minimal services. The local executive authority also often sets the minimal level of essential services at roughly the same level as the average work load. Moreover, the civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes are organized by strike committees, rather than unions. Reprisals for strikes are also common, although strictly prohibited by law. In August 1998, workers at St. Petersburg's Oktyabrskaya Railroad declared a strike over nonpayment of wages, management's refusal to conduct collective bargaining with the local union, and noncompliance with health and safety standards. Strike participants were sent on forced leave with reduced pay. Management claimed there was no work for them at the depot. The workers filed cases against management, but the local court ruled against them in April. All participants in the strike have been subject to transfer to "idle time" due to low ticket sales.

In 1995 transportation unions complained that because transportation can be considered an essential service that must be provided under law, their right to strike is denied. The Constitutional Court agreed and found that banning industry-wide strikes was unconstitutional and that each needs to be considered on a case-by-case basis. However, a subsequent 1995 federal Law on Railways banned railway strikes in contradiction to the Constitution. After successful negotiations with the air traffic controllers' union to avoid a strike, the Government drafted a regulation that became law in 1999 to ban all strikes in the air traffic sector. In addition to the rail-

way and air traffic sector, strikes are banned by workers at nuclear power stations and by members of the military, militia, government agencies, and disaster assistance organizations.

Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. In January the death of a youth in Polevskoy allegedly was due to the trade union activism of his parent who was a leader of the regional trade union center. The leader had received threats to her job and family after filing cases against the local prosecutor's office, municipal court, and police concerning misuse of funds. The leader subsequently left her position. There were no further developments in the investigation of the son's death by year's end.

According to an International Labor Organization report, on January 27, 1999, unknown assailants murdered Gennadiy Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union at the entrance to his apartment. Earlier that month, Borisov and other labor activists began picketing the airline headquarters to protest their not being paid for 4 months. Borisov also reportedly was monitoring alleged illegal practices involving the company's shares. To date, there have been no significant developments in this case, and it reportedly is still open.

There were no prolonged strikes during the year. According to official statistics, wage arrears in the first half of the year fell by over 80 percent in real terms when compared with the same period in 1998. Nonpayment of wages, which had motivated strikes in previous years, grew less prevalent. The number of strikes fell by 25 percent in 1999 and continued to fall this year. Unions may freely form federations and affiliate with international bodies.

*b. The Right to Bargain Collectively.*—The law provides for the right of collective bargaining, but this right is not always protected. The law requires employers to respond to a trade union's initiative and negotiate with the union, but no time limit is specified. Moreover, the law does not require management to sign the agreement, even after both sides have signed protocols approving a draft text. As a result, the right to conclude a collective agreement is often not protected. Employers often ignore the requirement to negotiate and refuse to come to the bargaining table or refuse to provide financial information demanded by trade unions. In the past, employers have successfully refused to negotiate collective bargaining agreements, particularly for unions not affiliated with the FNPR. However, some progress has been made in this area. In December 1999, the trade union of employees of the State TV and Radio Company filed suit against management because of the latter's refusal to enter into collective bargaining negotiations. Management demanded that the union prove it was authorized to participate in collective bargaining, which it did twice. The court ruled that management should start negotiating a collective bargaining agreement. Management appealed the ruling, but the higher court left the decision unchanged—a significant victory for the trade union.

An estimated 14 percent of enterprises have officially registered collective bargaining agreements. (FNPR claims that approximately 80 percent of its enterprises have such agreements.) It is not obligatory to register collective agreements, and it is very likely that there are far more collective agreements than those actually registered. However, a gap in the law, which fails to establish the employer's legal identity, often makes collective agreements ineffective. A lack of clear identification under the Law of the Employer has made nonbinding tripartite tariff agreements (with labor, management, and government participation) nonbinding at the municipal, regional, national, and industrial levels and has brought their legal validity into question. Even after an agreement is signed, employers often claim that the "employer representative" was not authorized to represent the factory involved.

In December the Duma was scheduled to consider two draft versions of a new Labor Code. The Government proposed the first in 1999, while prounion deputies in the Duma support the second. The government draft seeks to increase labor mobility and reduce the so-called gray economy. However, trade unionists view the government draft as antiunion and fear that it will undercut collective bargaining because of its emphasis on individual labor agreements, provision for entities other than unions to represent workers, and restrictions of collective bargaining to legal entities that essentially eliminate local trade union representation. The prounion draft strengthens trade union rights and guarantees for workers, including repayment of delayed wages with interest and employees' right to stop working if payment is delayed more than 10 days.

There are no export processing zones. Worker rights in the special economic zones and free trade zones are covered fully by the existing Labor Code and are the same as in other parts of the country.

*c. Prohibition of Forced or Compulsory Labor.*—The Labor Code prohibits forced or compulsory labor by adults and children; however, there were some reports of its

use relative to adults. Officers have reportedly sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. Women are trafficked from the country for the purpose of forced prostitution (see Sections 5 and 6.f.). There were no reports of forced or bonded labor by children.

According to credible media reports, significant numbers of foreign workers from countries of the former Soviet Union are forced to work without pay because their passports are held by firms that brought them into the country. Similar reports describe North Koreans brought in to work in the construction and timber industries in the Russian Far East, with salaries remitted to their Government.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code prohibits regular employment for children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work. Children may, under certain specific conditions and with parental approval, work in apprenticeship or internship programs at the ages of 14 and 15. Such programs may not pose any threat to the health or welfare of children. The Ministries of Labor and the Interior are responsible for child labor issues. Local police authorities are responsible for conducting inspections of entities suspected of violating child labor laws; however, investigations are entirely complaint-driven.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevent widespread abuse of child labor legislation. However, the transition from a planned to a market economy has brought with it drastic economic, political, and social changes. An increase in the number of children working and living on the streets is largely the result of deterioration in the social service infrastructure, including access to education and health care. In some cases, economic hardship has undermined traditions and social customs, and eroded the protection families traditionally provided to children. Homeless children are especially at risk for exploitation in prostitution or criminal activities. Children often are used by their parents to lend credence to their poverty when begging.

The Government prohibits forced and bonded labor by children; however, some girls were trafficked abroad for the purpose of forced prostitution (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The monthly minimum wage of \$4.70 (132 rubles) remains well below the official subsistence level of \$35 (1,234 rubles) per month and is insufficient to provide a decent standard of living for a worker and family. Approximately 37 percent of the population have incomes below this survival minimum, compared with 38 percent in 1999. Most workers receive several times the monthly minimum, and the minimum wage is essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits. It is not a number used for real salaries. Enterprises often use this number to avoid taxation by reporting the number of employees paid at the minimum wage instead of reporting actual salaries. According to Ministry of Labor statistics, unreported wages currently account for about 12 percent of the gross domestic product. Legally paid wages account only about 36 percent of the total income of citizens. In addition, much of the population continues to reside in low-rent or subsidized housing and receives various social services from enterprises or municipalities. Dependence on such subsidies, in conjunction with the residency registration system—illegal but widely practiced—generally prevents relocation to find work.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period. The law requires premium pay for overtime work or work on holidays. Workers have complained of being required to work well beyond the normal week, that is 10- to 12-hour days, of abrogations of negotiated labor agreements, and of forced transfers.

Despite a steady decline since the 1998 crisis, the nonpayment of wages continues to be the most widespread abuse of the Labor Code, especially for workers in the education, medicine, and coal sectors. While the overall problem of nonpayment of wages appeared to diminish greatly, total wage arrears at the end of November remained high and equaled over \$1 billion (36.8 billion rubles). While some enterprises still force their employees to take wages in barter, the practice is much less prevalent than in the period before or immediately after the 1998 financial crisis. The International Confederation of Trade Unions (ICFTU) contends that the total bill of wage arrears is now more than \$15 billion.

An increasing number of workers owed back wages seek relief through the court system, but the process is lengthy. Courts often are willing to rule in favor of employees, but the collection of back wages remains difficult. Courts often insist that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insist-

ence also makes the process lengthier and more difficult for the affected workers and exposes them to possible retaliation. It is widespread practice to remove the names of workers who win judgments for back wages, but have not yet received the wages, from the list of those who can buy food on credit from the company store.

Labor mobility continues to be a problem. For various reasons, many workers are not able to move to other areas of the country in search of work. Many are constrained economically because their savings were destroyed by the rampant inflation of the early 1990's and the nonpayment of wages. Their freedom to move in search of new employment is limited further by the system of residency permits. Other workers effectively are tied to enterprises that can give them only credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers cannot easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Because of the inability of local employment agencies to provide benefits or to absorb laid-off employees from some factory towns, local governors and mayors often overturn the enterprises' decisions to lay off workers who are not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibit the movement of workers. By decriminalizing the nonpayment of wages and by maintaining the system of residency permits, the Government has restricted even further the mobility of labor.

The law establishes minimal conditions for workplace safety and worker health, but these standards often are not enforced. Workers wear little protective equipment in factories, enterprises store hazardous materials in open areas, and smoking is permitted near containers of flammable substances. Funds remain limited for safety and health in the workplace.

The Labor Code guarantees workers the right to remove themselves from hazardous or life-threatening work situations without endangering their continued employment and entitlements to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions. However, the pressure for survival often displaces concern for safety. There continue to be reported cases of miners removing the supports from mineshafts and selling them for scrap metal. Doctors and nurses have been known to sell health and safety equipment at hospitals to patients' families in order to supplement salaries that often remain below the minimum subsistence level.

The risk of industrial accidents or death for workers remains high, although reliable recent statistics on accident and death rates at the workplace are not available. After repeated requests went unanswered, members of a St. Petersburg local locomotive engineers' union this year sued management to obtain information on health and safety risks associated with their work and measures taken to address these problems. The workers based their case on a federal law that grants employees the right to obtain information on their working conditions and occupational hazards. Hearing of the case has been postponed.

*f. Trafficking in Persons.*—Trafficking in women and young girls is a problem, but there are no reliable estimates of its scope. There is no special legislation nor has the Government established special task forces on the issue. However, there are several articles of the Criminal Code that relate to trafficking of persons. For example, Article 322, the principal legal statute against trafficking in persons, provides for punishment of up to 5 years' imprisonment for unlawful violation of Russian borders by a "group of persons in prior arrangement or by an organized group either using violence or the threat of violence." Crossing the country's borders without required documentation is punishable by a fine or imprisonment of up to 2 years. Regarding trafficking of women, Article 133 prohibits forcing a person into sexual activity; Article 240 prohibits drawing a person into prostitution by force or threat of force, and Article 241 prohibits the organization and maintenance of a house of prostitution. Prostitution itself is not illegal in the country.

Russia is a country of origin for trafficking in persons, especially in the trafficking of women. However, the authorities often dispute the extent to which trafficking occurs, and who believe that estimates are based on too little information. The difficulty is that law enforcement bodies consider that most of the illegal activity takes place outside its borders and therefore is not within their jurisdiction. The country also serves as a transit and destination country for a large portion of women trafficked from the New Independent States to Western Europe. There are reports that women from Tajikistan are trafficked to Russia. Women reportedly are trafficked to European Union countries, the Middle East, Asia, and the United States. Reportedly women also are trafficked within the country. Women (most often young girls) usually are transferred from provincial areas to Moscow and St. Petersburg.

Due to a continuing lack of adequate employment opportunities, a significant number of women are victims of international trafficking for sexual exploitation. Re-

liable statistics on the number of women involved are difficult to obtain. NGO's allege that Russian organized crime increasingly is involved in trafficking in women and children, but reliable data are not available. Women often respond to advertisements promising well-paying jobs abroad, where they are forced into prostitution. A comprehensive 2-year study of trafficking in the former Soviet Union, completed in 1997 by the Global Survival Network, an international NGO, remains one of the few sources of information on the scope of this problem. The study concluded that most women who are trafficked are unwitting participants who respond to advertisements while searching for legitimate work. Some government officials and law enforcement agencies acknowledge that a trafficking problem exists. However, the belief that women are aware of the risks involved is still pervasive. According to data from the Ministry of Internal Affairs, more than half of the women engaged in prostitution abroad learned about the nature of their future occupation before leaving the country. NGO's contend that women are more often told they are would be hostesses, exotic dancers, hotel workers, models, etc. They further claim that even those who agreed to be sex workers did not agree to the kinds of working and living conditions to which they were subjected, or to the loss of their documentation and the lack of pay. According to credible reports in the national media, there are significant numbers of foreign workers from countries of the former Soviet Union who are forced to work without pay because their passports are held by firms which brought them into the country.

There are no known specific measures undertaken by law enforcement bodies in order to prevent the export of women for the purpose of sexual exploitation. The criminal persecution of representatives of the "business" usually takes place in connection with cases whose investigation is performed within the framework of co-operation with international law enforcement structures. The Ministry of the Interior believes that the "trafficking in women" problem is the responsibility of the Ministry of Foreign Affairs and Consular Services abroad. However, NGO's charge that exploited women commonly are refused help by Russian consular officials abroad. Women rarely seek the assistance of local authorities nor do they file complaints against the agencies that recruited them once they are back in the country because they often do not trust the law enforcement authorities.

The Government does not provide assistance to trafficking victims. Victims of trafficking can turn to a crisis center or other NGO's that render assistance to women victims of sexual and other kinds of abuse. There are 40 crisis centers and NGO's that render assistance to female victims of sexual and other kinds of abuse.

There are no Government initiatives to return trafficked women. Unless deported by the host country, women must pay their own way home. Some women who return have reportedly told NGO's that they were unable to communicate with local law enforcement in their destination country. Women reported that their documentation was withheld and that without it they were not able to gain assistance from the Russian consulates.

There are also reports of officers "selling" soldiers. The Union of Soldiers' Mothers Committee reported in October that this practice remains widespread, especially in Chechnya. According to the Committee, they received reports that the going rate for a soldier was \$2 (50 rubles). In one egregious case in September, a soldier in Chechnya reportedly was purchased for 10 bottles of vodka (see Section 1.c.).

Law enforcement bodies take the trafficking of children more seriously. There are reports of children being kidnaped or purchased from orphanages for sexual abuse, child pornography, and body parts. There are no statistics available, but law enforcement acknowledge that Internet child pornography is an increasing business. There is also some evidence of trafficking for organs and body parts. In a much publicized case near Moscow, police set up an undercover operation which resulted in the arrest of a grandmother and uncle of an 8 year old boy, who had sold the child for \$90,000 to persons who admitted they wanted the boy for sale of his body parts.

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## SAN MARINO

San Marino is a democratic, multiparty republic. The popularly elected Parliament (the Great and General Council (GGC)) selects two of its members to serve as the Captains Regent (co-Heads of State). They preside over meetings of the GGC and of the Cabinet (Congress of State), which has 10 other members (Secretaries of State), also selected by the GGC. The Secretary of State for Foreign Affairs has some of the prerogatives of a prime minister. The Government respects the law's provisions for an independent judiciary in practice.



Elected officials effectively control the centralized police organization (the Civil Police) and the two military organizations (the Gendarmerie and the Guardie di Rocca).

The principal economic activities are tourism, farming, light manufacturing, and banking. In addition to revenue from taxes and customs, the Government also derives revenue from the sale of coins and postage stamps to collectors throughout the world and from an annual budget subsidy provided by the Italian Government under the terms of the Basic Treaty with Italy.

The authorities generally respect citizen's rights in practice; however, although the Parliament and the Government have demonstrated strong commitment to the protection of human rights, some laws discriminate against women, particularly with regard to the transmission of citizenship.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process. The judicial system requires that the country's lower court judges be non-Sammarinese citizens, with the aim of assuring impartiality.

A local conciliation judge handles cases of minor importance. Other cases are handled by the non-Sammarinese judges who serve under contract to the Government. The final court of review is the Council of Twelve, a group of judges chosen for 6-year terms (4 replaced every 2 years) from among the members of the GGC.

The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such practices. Government authorities respect these prohibitions, and violations are subject to effective legal sanction.

##### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government respects this right in practice.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations. Although it does not formally offer asylum to refugees, the Government has permitted a few individuals to reside and work in the country. The issue of the provision of first asylum did not arise during the year; nor were there any reports of the forced repatriation of refugees.

##### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women are underrepresented in government and politics, although they face no legal impediments. In 1974 the first female member was elected to the GGC. Since then, women have served on the Council as Secretary of State for Internal Affairs and as Captain Regent. All women's branches of the political parties have been inte-

grated into the mainstream party organizations, where women hold important positions.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are no domestic human rights organizations, although the Government does not impede their formation. The Government has declared itself open to outsiders' investigations of alleged abuses, but there have been no known requests.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The law prohibits discrimination based on race, religion, disability, language, or social status, and the authorities respect these provisions. The law also prohibits some forms of discrimination based on sex, but vestiges of legal as well as societal discrimination against women remain.

*Women.*—The law provides for the protection of women from violence, and occurrences of such violence, including spousal abuse, are rare.

Several laws provide specifically for the equality of women in the workplace and elsewhere. In practice there is no discrimination in pay or working conditions. All careers are open to women, including careers in the military and police as well as the highest public offices.

However, one law discriminates against women by stipulating that a woman who marries a foreigner cannot transmit citizenship to her husband or children, but that a man who marries a foreigner can do so to both his wife and their children. In a September 1999 referendum, the electorate by a very narrow margin failed to confirm a change to the law that was approved by Parliament in June 1999. The proposed law would have provided for the transmission of Sammarinese citizenship by women, but it was narrowly defeated despite support by all political parties.

The September 1999 referendum also failed to confirm a provision that would have revoked the citizenship of women who acquired citizenship through marriage 5 years after a divorce, if they no longer resided in the country. This provision was included in the proposed law after the Government had noted that several Eastern European women recently had married significantly older citizens, presumably with the aim of acquiring citizenship.

*Children.*—The Government demonstrates its commitment to children's rights and welfare through its well-funded systems of public education and medical care. No differences are apparent in the treatment of girls and boys in education or health care, nor is there any societal pattern of abuse directed against children.

*People with Disabilities.*—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. A 1992 law established guidelines for easier access to public buildings, but its implementation remained incomplete.

*Section 6. Worker Rights*

*a. The Right of Association.*—By law all workers (except the armed forces but including the police) are free to form and join unions. A 1961 law sets the conditions for the establishment of a union. Unions may form domestic federations or join international labor federations.

Union members constitute about half of the country's work force (which numbers about 10,300 Sammarinese citizens plus 4,000 Italians from the country's total population of about 25,000 persons).

Trade unions are independent of the Government and the political parties, but they have close informal ties with the parties, which exercise strong influence on them.

Workers in all nonmilitary occupations have the right to strike. No general strikes occurred in at least the last 10 years. However, during this period some brief sector-wide and company strikes took place.

*b. The Right to Organize and Bargain Collectively.*

The law gives collective bargaining agreements the force of law and prohibits antiunion discrimination by employers. Effective mechanisms exist to resolve complaints. Negotiations are conducted freely, often in the presence of government officials (usually from the Labor and Industry Departments) by invitation from both the unions and the employers' association. For the last several years, all complaints have been resolved amicably by a "conciliatory committee" composed of labor union and business association representatives and government officials.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and bonded labor, including by children, and the Government enforces this prohibition effectively.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits forced and bonded labor by children, and the Government enforces this prohibition (see Section 6.c.). The minimum working age and compulsory education age ceiling is 16 years. The Ministry of Labor and Cooperation permits no exceptions. Most students continue in school until age 18.

*e. Acceptable Conditions of Work.*—Since January 1, the legal minimum wage has been approximately \$1,100 (2.29 million lira) per month, which affords a decent living for a worker and family. Wages generally were higher than the minimum.

The law sets the workweek at 36 hours in public administration and 37<sup>o</sup> hours in industry and private business, with 24

consecutive hours of rest per week for workers in either category.

The law stipulates safety and health standards, and the judicial system monitors them. Most workplaces implement the standards effectively, but there are some exceptions, notably in the construction industry.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

## SLOVAK REPUBLIC

The Slovak Republic became an independent state in 1993, following the dissolution of the Czech and Slovak Federal Republic (CSFR). Its Constitution provides for a multiparty, multiethnic parliamentary democracy, including separation of powers. Prime Minister Mikulas Dzurinda took office after parliamentary elections in the fall of 1998. The first direct presidential elections were held in May 1999. Both elections were declared free and fair by the Organization for Security and Cooperation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR). The Slovak Republic chose to carry over the entire body of CSFR domestic legislation and international treaty obligations, which still are being renewed or updated. The Constitution provides for an independent judiciary; however, some experts allege that the Ministry of Justice's logistical and personnel authority allows it to exert some influence on the judicial system.

The national police, which fall under the jurisdiction of the Ministry of Interior, are the primary law enforcement agency. In addition to domestic law enforcement, they also have responsibility for border security. The Slovak Information Service (SIS), an independent organization reporting directly to the Prime Minister, is responsible for all civilian security and intelligence activities. A parliamentary commission composed of legislators from ruling and opposition parties oversees the SIS. Civilian authorities generally maintain effective control of the security forces. Police committed some human rights abuses.

The Slovak Republic continued to make progress in the transition to a market-based economy, with more than 83 percent of the gross domestic product (GDP) now generated by the private sector. The economy is largely industrial, with only 5 percent of the GDP generated by agricultural production. Major exports are iron and steel products, vehicles and automobile parts, audio and video equipment, machinery and transport equipment, petroleum products, and organic chemicals. GDP growth reached 2 percent during the year. The economy's growth is fueled by foreign demand as exports increased by 30 percent in the third quarter of the year. Inflation grew by 12 percent, lower than expected, due to a combination of increases in regulated prices, growing competition on the retail market, and lower than expected domestic demand. Slow growth is largely the result of the failure of the previous government to implement structural reforms, such as financial sector privatization and industrial restructuring. The GDP per capita was \$3,569 during the year. This provided most of the population with an adequate standard of living. The unemployment rate was 18.8 percent at year's end, reaching almost 30 percent in some areas. A disproportionate number of unemployed are Roma, who face exceptional difficulties in finding and holding jobs, partly as a result of discrimination. According to the law, social benefits of those unemployed over 2 years were cut in half. Savings have been transferred to municipalities to pay for community service jobs. More than 64,000 jobs have been created to date, of which over half have gone to the Roma minority.

The Government generally respected the human rights of its citizens, and the human rights situation improved during the year; however, problems remained in some areas. Police on occasion allegedly beat and abused Roma. Although the practice under the former government of using the SIS to conduct surveillance of many political figures, journalists, and their spouses nearly has been eliminated, there

were allegations in October that this surveillance continues on both opposition and government politicians. The absence of government intimidation removed the pressure on journalists to practice self-censorship. Media monitors report that government politicization of the state-owned electronic media nearly has been eliminated; and although the potential for political interference with Slovak Television (STV) and Slovak Radio (SRO) exists because they are reliant on government funds, no threats of retaliation for negative reporting of government actions were reported. On May 17, the Parliament approved a Freedom of Information Act, which grants citizens access to virtually all unclassified information from national and local government offices. Discrimination and violence against women remain problems. Cases of abuse of children and discrimination against the disabled were reported. Ethnic minorities, in particular Roma, faced societal discrimination. The frequency of skin-head attacks on Roma appeared to remain the same during the year. Police sometimes failed to provide adequate protection against these attacks or to investigate such cases vigorously. Some anti-Semitic incidents occurred, and limited societal discrimination against the Hungarian minority persists, mainly in regions where only small numbers of the ethnic Hungarian minority reside. There were instances of trafficking in women and girls.

During the year, the Government initiated investigations into some serious crimes. In 1999 the Government created the position of special government commissioner for Roma issues in the Office of Deputy Prime Minister for Human Rights and Minorities. However, the Government still has not fulfilled the United Nations (UN) recommendation to create a national committee for human rights and a human rights ombudsman. The government Office for Human Rights and National Minorities established an ad hoc working group in June to examine existing anti-discrimination legislation. The group completed an in-depth analysis of the legislation in December and found that although anti-discrimination provisions in the Penal Code are sufficient, improvements in the Civil Code and more effective implementation of all legislation are needed. The cabinet approved an action plan to prevent all forms of discrimination and intolerance.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no confirmed reports of political killings by government officials.

However, former Prime Minister Meciar's party, the Movement for a Democratic Slovakia (HZDS), alleges that the January 1999 killing of Jan Ducky, the former Economy Minister under the Meciar Government and head of the national gas distribution monopoly, was the result of a political vendetta. Ducky was killed in the lobby of his apartment building a week after the authorities filed charges against him for financial mismanagement and illegal property transfers while at the gas monopoly. Interior Minister Ladislav Pittner publicly speculated that Ducky might have been killed to prevent his testimony. In November the Bratislava district court ruled to halt the criminal prosecution of Ukrainian citizen Oleg T. due to lack of incriminating evidence, although the appeals court has not yet confirmed this decision. The investigation into the murder of Ducky continued at year's end.

The August 1999 case of a police officer allegedly shooting a 21-year-old Rom during interrogation is still under investigation, and the police officer involved was dismissed this year for violating the law by interrogating the Rom alone when he had access to a gun. The Government has appointed independent investigators to examine the case further; the investigation continued at year's end.

There was no progress during the year in the on-going investigation of the 1996 death of Robert Remias. There has been widespread press speculation that elements of the security services under the Meciar administration were involved in his death.

In November 1999, Minister of Justice Jan Carnogursky established a department for the documentation of crimes committed by the communist regime. The commission provides legal advice regarding restitution and rehabilitation after imprisonment or persecution during the communist regime. The commission responded to approximately 250 requests during the year. The commission also prepared draft legislation to assist victims of the communist regime.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices; however, both national and city police on occasion allegedly beat suspects in custody. Police reportedly use pressure and threats to discourage Roma from pressing charges of police brutality (see Section 1.e.). Credible sources say that the police sometimes tolerate violence against Roma by not thoroughly investigating attacks against them in a timely and thorough man-

ner or by coercing Roma to refrain from submitting incriminating evidence (see Sections 1.e. and 5.). Some police also infringe on the rights of Roma to social benefits and housing (see Section 2.d.). In 1998 and 1999, Roma in the town of Vrable lodged complaints against local law enforcement officer Roman Frajka for allegedly attacking teenage Romani boys. The Ministry of Interior investigated the case and found Frajka not guilty. The case was closed and no official charges or further complaints were registered against him this year.

Residents of African and Asian origin continued to complain that police fail to investigate skinhead attacks against them.

The 1995 case of the violent abduction of the former president's son, Michal Kovac, Jr. to Austria, during which he was tortured, remains unsolved. The Government actively reinvestigated the case in which former SIS personnel are alleged to be implicated. Interior Minister Pittner released a report in January 1999 attesting to the SIS's influence over the Ministry of Interior under Meciar, especially over the investigative and criminal police sections. In February 1999, the police arrested two former high-ranking officers of the SIS. The Constitutional Court concluded that amnesties granted to Gustav Krajci and a second official involved in the case, Jaroslav Svechota, by former Prime Minister Meciar shielded them from prosecution. Police closed their investigation in April. Twelve persons, most of whom were formerly members of the SIS, were charged. Former SIS head Ivan Lexa was the primary person accused.

In April 1999, the Parliament lifted the immunity of former SIS head Ivan Lexa in five of the seven criminal cases in which he allegedly was implicated. Subsequently he was placed in preliminary detention; however, he was released later on the decision of a regional court due to insufficient evidence. On September 4, the Bratislava district court issued an international warrant for the arrest of Lexa, who allegedly had fled the country. Lexa faces several charges, including abuse of power, fraud, and money laundering. Following the issuance of the international arrest warrant, Slovak police applied for Interpol's help in finding and detaining him. Lexa's attorneys have charged that the Government's continued pursuit of their client is unfair persecution since they argue that he cannot be prosecuted because of Meciar's amnesties. However, the Government's investigation into Lexa's involvement in crimes for which he had not received amnesty continues.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the Government observes these prohibitions.

A person accused or suspected of a crime must be given a hearing within 24 hours and be either set free or remanded by the court. During this time, the detainee has the right to an attorney. If remanded by a court, the accused is entitled to an additional hearing within 24 hours, at which time the judge either sets the accused free or issues a substantive written order placing the accused in custody. Some critics argue that the initial 24-hour detainment period, during which time investigators must gather all evidence, which can be submitted, to the prosecutor, is not sufficient and occasionally results in the release of guilty suspects. A Ministry of Justice judicial reform committee recommended lengthening the initial detainment period to 72 hours.

In April Special Forces broke into the residence of former Prime Minister Vladimir Meciar, and detained and transported him to Bratislava to question him concerning his alleged misuse of authority as a public official. His supporters called the action an excessive use of force and an illegal and politically motivated indictment. Police defended the action and stated that it was in accordance with the law.

Investigative detention may last 18 to 40 days, with further pretrial detention permitted. The total length of pretrial detention may not exceed 1 year, unless the Supreme Court extends it, after determining that the person constitutes a serious danger to society.

Pretrial detainees constituted roughly 26.7 percent of the total prison population, and the average pretrial detention period was 7.2 months. The law allows family visits and provides for a court-paid attorney if needed. A system of bail exists. Non-citizens may be held for up to 30 days for identification purposes or for 18 to 40 days in investigative detention. Detainees have the right to see an attorney immediately and should be notified of this right; however, one nongovernmental organization (NGO) reports that not all detainees are notified of their rights.

The law allows monthly family visits upon request and receipt by detainees of a package of up to 10 pounds every 2 weeks. Attorney visits are allowed as frequently as necessary, and consular visits are allowed upon request by the judge.

The Constitution prohibits exile, and the Government observes this prohibition.

*e. Denial of Fair Public Trial.*—The Constitution provides for courts that are independent, impartial, and separate from the other branches of government; however, some critics allege that the dependence of judges upon the Ministry of Justice for logistical support, the granting of leave requests, and other services undermines their independent status. Also, the Ministry of Justice can demote presidents and vice presidents of the courts for any reason, although they remain judges, and it has done so. Although not specified in legislation, in practice the Judicial Council, an independent organization of lawyers and judges, recommends nominations for presidents of courts, and the Minister of Justice then officially nominates the recommended judge. The Ministry has denied nomination of only one of the council's recommendations. This practice increases the independence of the judicial branch.

The court system consists of local and regional courts, with the Supreme Court as the highest court of appeal except for on constitutional questions. There is a separate Constitutional Court—with no ties to the Ministry of Justice—that considers constitutional issues. In addition there is a separate military court system, the decisions of which may be appealed to the Supreme Court and the Constitutional Court. Under the Constitution, the President appoints Constitutional Court judges to 7-year terms based upon parliamentary nominations. Parliament elects other judges, based on recommendations from the Ministry of Justice, and can remove them for misconduct.

Many activists make credible allegations that some judges are corrupt and that adequate safeguards against corruption do not exist.

Persons charged with criminal offenses are entitled to fair and open public trials. They have the right to be informed of the charges against them and of their legal rights, to retain and consult with counsel sufficiently in advance to prepare a defense, and to confront witnesses. Defendants enjoy a presumption of innocence. Defendants also have the right to refuse to make self-incriminating statements, and they may appeal any judgment against them.

According to existing legislation, suspects are presumed innocent during the appeal process, and if that process lasts more than 3 years, the suspect will be released. Critics say that this rule occasionally results in the release of dangerous criminals.

Human rights monitors continued to charge that police and investigators are reluctant to take the testimony of witnesses, particularly Roma, to skinhead attacks on Roma, and police on occasion have failed to investigate cases of skinhead violence when the skinhead did not admit the crime (see Sections 1.c. and 5). Some NGO's have defended the police, contending that the real fault lies in the legislation, which states that only evidence that is collected by the investigator in the 24-hour detention period can be considered in the decision on whether to hold the suspect. Furthermore human rights monitors reported that police used the device of countercharges or threats of countercharges to pressure Roma victims of police brutality to drop their complaints. They also reported that medical doctors and investigators cooperated with police by refusing to describe accurately the injuries involved, and that lawyers often were reluctant to represent Roma in such situations, for fear that this would have a negative effect on their law practice.

Credible sources say that it is increasingly difficult for citizens who are disadvantaged economically to obtain noncriminal legal representation, and therefore it is becoming more difficult for some who may have had their rights infringed upon to take further legal action. The Ministry of Justice has initiated a program in which free legal advice is offered in seven cities every Wednesday for 5 hours. However, a legal NGO claimed that a more systematic approach is necessary. The practice of Chamber of Advocates leadership encouraging their membership to avoid indigent cases has been eliminated. The Slovak bar association currently is preparing a program to encourage lawyers to accept pro-bono cases.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law provides for these rights, but the authorities sometimes infringed upon them. The Criminal Code requires police to obtain a judicial search warrant in order to enter a home. The court may issue such a warrant only if there is a well-founded suspicion that important evidence or persons accused of criminal activity are present inside, or if there is some other important reason. Police must present the warrant before conducting the house search or within 24 hours after the search.

Some Roma activists have alleged that local police detachments on occasion have entered Roma premises without a search warrant.

The 1993 police law regulates wiretapping and mail surveillance for the purposes of criminal investigation, which may be conducted on the order of a judge or prosecutor only in cases of extraordinarily serious premeditated crimes or crimes involving international treaty obligations. There were allegations in October that SIS sur-

veillance continued on both opposition and government politicians (see Section 2.a). Unlike during the previous year, there were no known reports of alleged government surveillance of Roma.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. The print media are free and uncensored. Individuals report that they feel able to criticize the Government without fear of reprisal. However, there were many allegations in October that this surveillance continues on both opposition and government politicians (see Section 1.f.).

Newspapers and magazines regularly publish a wide range of opinions and news articles. The politicization of state-owned broadcast media, which was a significant problem under the previous Government, no longer is evident. There were no reported cases of journalists being intimidated or threatened in attempts to influence their reporting during the year.

The potential for political interference exists because STV and SRO are reliant on government funds; there have been no reports of such interference this year. However, STV and SRO officials assert that government officials do not threaten retaliation if they do not report the news to the Government's liking.

In one case the Government used libel laws to suppress criticism of political or other leaders, and some human rights activists have criticized the section of the Penal Code that prohibits the defamation of the republic. The Government does not use tax laws or allocations of newsprint or advertising revenue to suppress criticism of political and other leaders or the expression of viewpoints not favored by the Government.

On February 16, former HZDS Member of Parliament (M.P.) Frantisek Gauleider rescinded his complaint to the European Court for Human Rights in Strasbourg against the Slovak Republic for his 1996 expulsion from Parliament, after the Government agreed to a conciliation agreement and financial compensation.

On March 23, the editor-in-chief of the extreme nationalist weekly *Zmena*, Vladimir Mohorita, was found guilty of defaming the Government in an article in which he used inflammatory rhetoric to criticize the Government for its decision to open its airspace to NATO flights during the Kosovo crisis. Mohorita called the decision a "shameful and fratricidal act," denounced the Cabinet as a "government of mass murderers," and attacked the "crazy Satanists from the United States." He received a 4-month suspended sentence with 2 years probation. The law under which he was charged, Article 102 of the Penal Code, had been passed under the Government of former Prime Minister Vladimir Meciar.

On May 17, the Parliament approved a Freedom of Information Act, effective January 1, 2001, which grants citizens access to virtually all unclassified information from national and local government offices.

None of the 26 journalists fired from the STV in 1999 have pursued legal action or received legal relief.

Three boards appointed by a majority vote of Parliament supervise radio and television broadcasting. The Slovak Television Council and the Slovak Radio Council establish broadcasting policy for state-owned television and radio. The Slovak Council for Radio and Television Broadcasting issues broadcast licenses and administers advertising laws and some other regulations. The Radio and Television Council has made significant progress in fostering the spread of private broadcasting, for which it has issued 27 radio and 78 television and cable television licenses. TV Markiza, a private company with a signal covering two-thirds of the country, is the most watched station.

The Government does not censor books, films, or plays; it also does not limit access to the Internet.

Money has been reallocated to minority groups for the publication of minority language newspapers. However, the media monitoring organization Memo said that from April until June, Slovak media devoted only one percent of their combined airtime to minority issues. In addition Roma received no positive coverage, and the Czech, Ukrainian, and Ruthenian minorities received no coverage.

The law provides for academic freedom. Unlike the previous government, the current Government neither intervenes in the administration and funding of institutions of higher education, nor approves all professors' appointments. Many of the school administrators who were appointed based solely upon political favoritism during the previous regime have been replaced. The practice of diverting money from the older, then pro-opposition, universities largely has been reversed. In April the Parliament passed legislation establishing a private Catholic university in the town of Ruzomberok, which officially opened in September. It received a state subsidy of

\$200,000, which constitutes 70 percent of the school's budget. The use of bribery by some students to increase their chances for acceptance into some more prestigious faculties is believed widely to result in unequal access for economically disadvantaged students.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. Registration is not required, but under existing law, only registered churches and religious organizations have the explicit right to conduct public worship services and other activities. However, in practice no specific religions are banned or discouraged by the authorities. In order to register as a church, a religious organization must collect the signatures of 20,000 persons with long-term residency in the country. Some experts argue that the requirement to collect 20,000 signatures is too stringent and unfairly limits the registration of smaller churches. The State provides financial benefits, including subsidies for clergy and office expenses, only to the 15 registered churches and religious organizations.

In February 1999, police arrested two former high officials in the SIS for involvement in the 1995 effort to discredit the chairman of the Slovak Bishops Conference. Allegedly the SIS framed the Bishop for selling religious art for personal gain. If convicted, former Chief of the SIS Counterintelligence Unit Jaroslav Svehota and Deputy Director of the Surveillance Unit Robert Beno would face sentences of between 5 and 12 years in jail. SIS involvement in the case was proven, and property was returned; however, the court had not made any rulings regarding Svehota or Beno by year's end.

By law churches and religious organizations could apply for the return of their property that had been confiscated by the communist government; the deadline for these claims was December 31, 1994. The property was returned by the State, by municipalities, by state legal entities, and under certain conditions by private persons. The main obstacles to the resolution of outstanding restitution claims are the Government's lack of financial resources, and bureaucratic resistance on the part of those entities required to vacate restitutable properties. While the Orthodox Church reported that six of the seven properties on which it had filed claims already had been returned, the Catholic Church and the Federation of Jewish Communities (FJC) reported lower rates of success. The FJC is dissatisfied with the Government's failure to discuss compensation for property that belonged to Jewish families who no longer have living heirs.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government respects them in practice.

According to a legal rights NGO, although the law requires state administrators to register all citizens, some local police officers refused to give a registration stamp to Romani citizens, which prevents them from receiving social benefits and housing.

The law includes provisions for granting refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, 1,556 persons applied for asylum. Of these cases and cases held over from previous years, none were granted citizenship, 10 were accepted as refugees, 123 claims were rejected, 1,366 persons terminated their cases, and 400 cases were pending at year's end.

On April 19, Parliament amended the law on refugees to no longer require asylum seekers to register at the migration office within 24 hours of entering the country.

There were no reports of the forced expulsion of those having a valid claim to refugee status; however, some refugee claimants had difficulty in gaining access to initial processing.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens have the constitutional right to change their government through the periodic free election of their national representatives. All citizens over the age of 18 are eligible to vote, and voting is by secret ballot. The Constitution reserves certain powers to the President as Chief of State (directly elected by the citizens), but executive power rests with the Prime Minister. Legislative power is vested in the National Council of the Slovak Republic (Parliament).

On August 31, charges against former Minister of Interior, Gustav Krajci, for abuse of power and forgery of ballots in the 1997 referendum on direct presidential elections were dropped. As deputy chairman of the central election commission,



Krajci allegedly deleted from the referendum ballot the question on holding direct elections for president and marked the new ballot with the commission's official stamp, without notifying the commission of the change. Legal proceedings were halted because of a Constitutional Court ruling that Krajci was covered by an amnesty issued by former Prime Minister Meciar while the latter was temporarily exercising presidential authority.

Women are underrepresented in government and politics. There are 2 female ministers, 1 of the 9 Constitutional Court judges appointed in November 1999 is a woman, and women hold 21 seats in the 150-member Parliament. In the last parliamentary elections, only 273 of the 1,618 candidates (17 percent) were women.

The large ethnic Hungarian minority, whose coalition gained 15 seats in Parliament in the September 1998 elections, is well represented in Parliament and the Government. One ethnic Hungarian sits on the Constitutional Court. Roma are not represented in Parliament, but a Rom holds the position of Government Commissioner for Roma Issues.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. A 1996 law requiring NGO's and foundations to reregister and have substantial financial resources in order to operate, eliminated some foundations, primarily dormant groups. However, no organization was denied registration or faced any other major problem in continuing to operate. Some NGO leaders continued to allege that the current Government at times is unresponsive to their requests.

Roma calls for Deputy Prime Minister Csaky's resignation had little effect. The Roma community appeared more satisfied with the performance of his office during the year; however, there has been an increase in dissatisfaction among Roma with the performance of the Government's commissioner for Roma Issues, Vincent Danihel. The Roma community has called for Danihel's resignation to little effect.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The law prohibits discrimination and provides for the equality of all citizens. However, enforcement is uneven, with different minority groups reporting that their members often receive no government assistance with complaints about discrimination. Health care, education, retirement benefits, and other social services are provided regardless of race, sex, religion, disability, language, or social status; however, there were credible reports by human rights monitors that indicate that Roma continued to suffer from discrimination in employment, housing, schooling, health care, and the administration of state services. Deputy Prime Minister Csaky's office appointed a commission in May to examine existing anti-discrimination legislation and determine whether additional legislation is necessary. The committee completed its assignment in December. The result of the committee's findings indicate that the Penal Code sufficiently addresses anti-discrimination concerns, but both improved legislation protecting civil rights and better implementation of the legislation is needed.

*Women.*—Violence, particularly sexual violence against women, remains a serious and underreported problem. According to Ministry of Interior statistics, both domestic and public violence against women has been increasing: 1,000 cases of public violence were registered in 1997, compared with 276 in 1985. Domestic violence in 1997 included 2,656 cases, compared with 1,874 in 1995 when statistics first were kept. Further police statistics indicate that from 1995 to 1997, 69.8 percent of all violent crimes occurred at home, with 90 percent of the victims being women or children. One NGO's regional research showed that 38 to 40 percent of women were victims of domestic violence. A national poll from this year indicated that as many as one in five women are subjected to some form of physical violence in the home, and that 70 percent of all violence against women occurs in the home. Police estimate that two-thirds of female rape victims fail to report their cases. Police treat spousal abuse, other violence against women, and child abuse in the same way as other criminal offenses; sections in the criminal code specifically address rape, sexual abuse, and trafficking in women.

Legislation has not yet recognized and defined the term domestic violence. There is one consulting center for abused women in the country. There is no shelter for battered women without children, but there are three family shelters for victims of child and spousal abuse. In the view of some NGO's, the lack of relevant data on

domestic violence is used by police authorities to downplay the extent of domestic violence.

Many activists argue that existing legislation does not specifically address domestic violence and fails to protect victims sufficiently, but noted that the Government adopted a law that addresses specifically abuse of family members. As a result of amendments to the criminal code that took effect in 1994, prostitution is not illegal. However, the code prohibits activities related to prostitution, such as renting apartments for conducting prostitution, spreading sexually transmitted diseases, or trafficking in women for the purpose of prostitution. Trafficking in women is a problem, and the Government views it with concern (see Section 6.f.).

Women are equal under the law. They have the same property, inheritance, and other legal rights as men. However, discrimination against women remained a problem. According to sociological studies, women receive approximately 85 percent of men's wages for similar work. However, the definition of similar work is not defined precisely. For example, women may have fewer years' experience on the job due to time spent out of the work force raising a family. Women earn, on average, 22 percent less than men.

In December 1997, the Gender Center for Equal Treatment of Men and Women was founded. The Center is an independent NGO that cooperates with the U.N. Development Program and the Government. The Government's Coordinating Committee for Women's Affairs (including NGO's) has done little to implement the 1997 national action plan meant to reduce violence against women, protect women's health, and reduce women's economic disadvantages.

*Children.*—The Government demonstrates its commitment to children's rights and welfare through its system of public education and medical care. The Ministry of Labor oversees implementation of the Government's programs for children. The Constitution, the law on education, the Labor Code, and the system of assistance payments to families with children each address in part the issue of children's rights. Education is universal, free, and compulsory for 9 years, or until the age of 15.

Abuse of children remains a problem and is underreported. Experts from various state institutions dealing with child abuse claim that there are significant discrepancies between official figures on child violence and the actual situation. A 1999 survey of over 7,000 children conducted by an NGO offering resources to abused children indicated that 12 percent of children are victims of sexual abuse, while 20 percent are victims of physical abuse. According to available police statistics, child beating and sexual abuse are on the rise. In 1997 there were 1,083 reported cases of crimes against children. Among the most frequent crimes committed against children were: Nonpayment of child support, sexual violence, and beatings. In the past 10 years, only 127 cases of abused children were reported officially, while the actual number is likely 20 to 30 times greater. According to independent research, 25 percent of all children are punished physically on a regular basis. The lack of legislation protecting children in state institutions presents a problem.

Youth criminality has increased as well. In 1990 children under the age of 15 reportedly committed 226 crimes; in 2000 this number rose to 4,159. Juveniles (15 to 18 years of age) committed 5,565 crimes during the year. Child prostitution is not addressed specifically in the Criminal Code, but is covered by more general provisions in the law. The Penal Code was amended in September 1999 to include a provision outlawing child pornography.

The U.N. Children's Fund (UNICEF), several NGO's, and other institutions dealing with children's issues have called for amendments to the law on families, particularly the part on relations between parents and children. Although new departments dealing specifically with children's issues have been established in the Ministries of Education and Social affairs, the Government has not yet created an ombudsman's office to defend children's rights, as UNICEF recommended in 1999. In June the Ministry of Social Affairs established a Commission on the Rights of the Child. The Commission provides information to children regarding their rights and performs the duties traditionally fulfilled by an ombudsman. There are two regional emergency hot line numbers for abused children and one counseling help line.

Existing legislation appears to place emphasis on parents' rights over children's rights. Current legislation allows parents to place their child in a state-run institution for abandoned children, and as long as contact is maintained once every 6 months, the child remains in the custody of the parents and cannot be adopted. NGO leaders claim that existing legislation protects aggressors before victims. If a husband or wife is guilty of child and/or spousal abuse, it is often the victim who is forced to leave the family home. However, legislation was amended in 1999 to allow children who are victims of physical or sexual abuse to seek assistance and treatment, without parental consent.

Trafficking of girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

*People with Disabilities.*—The Constitution and implementing legislation provide for health protection and special working conditions for mentally and physically disabled persons, including special protection in employment relations and special assistance in training. A 1994 decree provides incentives to employers who create a “sheltered” workplace (i.e., a certain percentage of jobs set aside for the disabled). The law also prohibits discrimination against physically disabled individuals in employment, education, and the provision of other state services. Nevertheless, experts report discrimination in the accessibility of premises and access to education (especially higher education), and in 1998 the quotas for mandatory hiring of disabled citizens were lowered in accordance with employers’ wishes. Although not required specifically by law, another 1994 Government decree mandates accessibility for new public building construction. The decree provides for sanctions but lacks a mechanism to enforce them. A spokeswoman for an NGO dealing with the disabled said that due to pressure from a number of NGO’s and the willingness of the Dzurinda Government, accessibility has been improving, particularly regarding new construction; however, many barriers remain. NGO’s complained that other legislation, including the provision of jobs for the disabled, while on the books, often is ignored.

*Religious Minorities.*—Despite an order by former Prime Minister Meciar to withdraw a controversial history book entitled the “History of the Slovak Republic and the Slovaks” by Milan Durica, it remains available in schools. The book has been criticized widely by religious groups and the Slovak Academy of Sciences for gross inaccuracies and distortions, particularly in its portrayal of wartime Slovakia and the deportation of Jews and Roma.

In March the city council of the town of Zilina announced its decision to install a plaque honoring the Nazi-collaborationist and wartime Slovak President, Jozef Tiso, on the city’s Catholic community center. High-level politicians including President Rudolf Schuster and Prime Minister Mikulas Dzurinda publicly condemned the proposal. The council eventually reversed its decision.

On May 18, the Government sponsored a national conference on racism, xenophobia, anti-Semitism, and intolerance. At the conference the President announced that he would dedicate September 10 as a memorial day to victims of the Holocaust; the event took place as announced.

In September the Government approved an agreement between the Vatican and the Republic. In February the Ministry of Education and the Institute of Judaism undertook a joint educational project on Jewish history and culture that is targeted to elementary and high school teachers of history, civic education, and ethics. This project is intended to assist in educating the public about Jewish themes and increase tolerance toward minorities. The Government currently is seeking to obtain membership in the task force for international cooperation on Holocaust education, remembrance, and research.

In July 1999, the FJC in the Slovak Republic expressed its concern over the desecration of the monument to Holocaust victims located in the old city in Bratislava. Investigation into the case revealed that it was one of pure vandalism; no connection to racism was found.

In November 1999, Parliament passed legislation compensating Slovak citizens who were deported to German-controlled concentration camps during World War II on the basis of their nationality, race, or religion. For each month of deportation, those eligible are to receive a cash sum of \$75 (SK 3,000), plus a \$.75 (SK 30) addition to their monthly pension. Direct heirs of deceased victims, who at the time of deportation were minors, are entitled to a lump sum of up to approximately \$2,500 (SK 100,000). The legislation disqualifies the nearly 700 Slovak Jewish survivors from southern Slovakia, which was under Hungarian control during World War II, because they received compensation from the Hungarian Government.

In May 1998, the Supreme Court upheld a prior verdict that the publisher of *Zmena* weekly had to publish an apology to the honorary chairman of the FJC for abusing his person and offending his religious feelings. The apology still was not published by year’s end.

*National/Racial/Ethnic Minorities.*—The Constitution provides minorities with the right to develop their own culture, receive information and education in their mother tongue, and participate in decisionmaking in matters affecting them. The Government continued to provide funding for cultural, educational, broadcasting, and publishing activities for the major ethnic minorities, but at greatly reduced levels. However, there is no comprehensive law against discrimination.

The largest minority is the ethnic Hungarian minority. It is concentrated primarily in the southern part of the country, with a population registered at 568,714 at the end of 1999 (150,000 of whom are thought to be Roma who speak Hungarian

and choose to declare themselves as ethnic Hungarian). Most ethnic Hungarians and ethnic Slovaks living in mixed areas continued to coexist peacefully, but in recent years there have been occasional expressions of anti-Hungarian sentiments by Slovak nationalists. In 1998 the Slovak Government and the Government of Hungary signed an implementation agreement for their 1996 bilateral treaty, which called for the establishment of commissions to deal with the treatment of ethnic minorities. The commissions were established in February 1999.

A 1999 minority language law provides for the use of minority languages in official activities. According to the law, in places where a minority group constitutes at least 20 percent of the population, the minority language can be used in contacts with government officials. The law was deemed acceptable by the OSCE High Commissioner on National Minorities and the European Union. However, all members of the Hungarian coalition voted against the law because they felt that it did not ensure that the provisions in the new law would take precedence over the existing state language law. The Hungarian minority felt that a more comprehensive law was necessary, and that this law did not protect the use of Hungarian in cultural and educational activities. The Cabinet held numerous negotiations regarding the European Charter on Minority Languages, in an attempt to reach a solution acceptable to all government parties.

The special parliamentary advisory committee for Roma issues that was created in February 1999 met only twice this year.

In January 1999, Parliament amended three laws to permit bilingual record-keeping at schools with Hungarian or other minority language instruction. As a result of these changes, the Ministry of Education ordered report cards in both Hungarian/Slovak and Ukrainian/Slovak versions.

Roma constitute the second largest ethnic minority, estimated by experts to number up to 500,000 citizens, although the Government officially reported 83,988 Roma in the country. Police on occasion beat Roma, and in a 1999 case allegedly shot a Rom during questioning at the police station (see Sections 1.a. and 1.c.). They suffer disproportionately from high levels of poverty and unemployment. Credible reports by human rights monitors indicated that Roma continued to suffer from discrimination in employment, housing, schooling, health care, and the administration of state services. Discrimination is most severe in the eastern part of the country, where unemployment is higher and the Romani population is larger. Among Roma living in settlements in the east, the unemployment rate is nearly 100 percent. In urban areas in the east, incidents of Roma being denied admission to certain hotels, restaurants, and swimming facilities are widely reported. According to the Office for Protection of Legal Rights (KPO), Roma are often segregated in hospitals, particularly in maternity wards, and some say Roma receive inferior care. The Ministry of Health promised in July to investigate the claim and to ensure that all citizens receive equal care and that wards are not segregated; the Ministry was continuing its investigation at year's end. The practice of unemployment offices identifying Roma in their records by placing an "R" next to their name in the register was eliminated by order from the National Labor Bureau. Romani children disproportionately are placed in special schools for the mentally retarded in many cases due to their insufficient knowledge of the Slovak language.

In August 1999, the Government increased the budget for the office of Special Government Commissioner for Roma Issues Vincent Danihel. The office's budget totaled \$667,000 (SK 30 million) in 2000; it funded 102 Roma projects. It also allocated about \$375,000 (SK approximately 15 million) for special projects aimed at improving the situation of Roma, including "Headstart" programs for Roma in 10 schools; training for Roma and non-Roma mayors, local government officials, and police officers; publication of two Romani textbooks in Slovak, Hungarian, and the Romani language; public television programs to educate the public about the Romani minority; support for the Kosice Roma secondary art school; and support for regional Roma cultural centers, social advisory bodies, and health care programs.

In September 1999, the Cabinet approved a new program, "the Strategy of the Slovak Republic for the Solution of the Problems of the Roma Minority," for addressing issues of the Romani minority. While many Romani leaders and experts on Roma issues believe that the strategy is a positive step, they also criticized it for lacking specific proposals, being formulated with limited input from Roma, and not allocating sufficient resources. On April 7, the Cabinet approved an additional \$241,000 (approximately SK 10.5 million) for 56 assistance projects aimed at improving infrastructure and housing in Roma settlements.

During the year, approximately 3,387 Slovak citizens applied for asylum in Western European countries, mainly Belgium, the Czech Republic, Finland, Netherlands, and Norway, of which only 9 cases have been adjudicated successfully. Many human rights organizations claim that these asylum seekers migrate in order to receive the

generous benefits to pay back incurred debt from high interest loans they have received from moneylenders. Allegedly the moneylenders organize these trips for the Romani families.

Illegal high interest moneylending to economically disadvantaged Roma occurs frequently and occasionally results in Roma losing all possessions including housing. The Government has not developed a concrete strategy to deal with this problem.

On August 4, SNS M.P. Vitazolslv Moric proposed setting up reservations for Slovak Roma who refuse to assimilate into society. He further said, "It is clear that many mentally retarded people are born into Romani communities, why should the State allow a moron to create another moron and thus raise the percentage of morons in our nation?" In response to his statements, the Slovak Romani initiative (RIS) filed a suit with the general prosecutor against Moric. On September 22, Parliament voted to lift his parliamentary immunity, thus allowing criminal prosecution on the grounds of instigating racial hatred.

Skinhead violence against Roma was a serious problem, and human rights monitors reported that police remain reluctant to take action. Occasionally police also infringed on Roma rights to social benefits and housing (see Sections 1.c. and 2.d.). Attacks against Roma continued at 1999 levels, however; these cases received increased media attention. The authorities sometimes tolerate such attacks. In May 1999, a Banska Bystrica court ruled that a crime that was committed by a skinhead against a Rom could not be racially motivated since they are of the same race.

On April 28, the Banska Bystrica district court issued a guilty verdict for the crime of bodily harm with a racial motive. The court found a skinhead guilty of racially motivated damage to health and sentenced him to 2 years in prison plus 3 years' probation for his 1996 verbal and physical abuse against a Rom. Lawyer Jan Hrubala claimed that this was the first time authorities had applied "racially motivated crimes" provisions of the Penal Code to an assault case.

Roma citizens have established their own police patrols in the largely Roma-populated Kosice suburb, Lunik IX, because of the alleged inability of local police to protect effectively the area. The unit was established and funded by the local self-government with assistance from the Society for Personal Safety of the Slovak Republic and has been successful in patrolling the area.

Members of Zebra, an organization representing interracial marriages, said that citizens of racially mixed background are denied equal access to opportunity. Further, they claim that skinhead violence has increased, and that police fail to protect adequately citizens from this violence.

Skinheads reportedly continued distributing racist materials to the mailboxes of Romani families in Kosice, Trebisov, and Plavecky Strvtok.

An international poll released in September indicated that 79 percent of Slovaks have a negative view of Roma, 46 percent believe that too many non-Slovaks reside in the Slovak Republic, and only 54 percent believe that Roma should have the same rights as Slovaks.

On January 7, skinheads beat an African American citizen. The victim sought medical treatment for a contusion in his head. The case was still pending at year's end.

On January 29, five skinheads attacked a black man in Bratislava and called him a black pig. The suspects were arrested but a racially-motivated verdict was not applied.

On February 17, eight male teenagers attacked two Japanese tourists in Bratislava. According to a police spokesperson, they were not seriously injured. The tourists apparently left the country after lodging a complaint with the police.

In March two Roma from the eastern town of Michalovce voluntarily came to the police station for questioning. They were allegedly beaten by some police officers. The victims suffered several injuries including broken legs, hands, and ribs. When questioned about the incident, the police first claimed the action was justified but later admitted that it was unwarranted. Both policemen involved in the case were subsequently dismissed from active duty.

On March 11, approximately 20 supporters of the skinhead movement attacked 2 Brazilians and 2 Angolans in Bratislava. One of the victims escaped, but the skinheads beat the remaining three with baseball bats while shouting racist slogans. The case was still pending at year's end.

On March 27, 10 skinheads verbally abused an Afro-Slovak family with 3 small children, one of whom was disabled. When the family got into their car, the skinheads started to hit it with baseball bats. The family went to the police, who informed them that charges could not be filed because no one was injured.

On June 18, three Afghan men were attacked during a benefit concert for refugees organized by the UNHCR. All three victims were treated for injuries while one was hospitalized suffering from a concussion. The UNHCR spokesperson expressed dis-

appointment over police reaction to the attack, claiming that "the officers just stood by for 2 or 3 minutes while the beatings took place."

On July 21, a group of 50 Roma armed with machetes, knives, axes, and iron rods allegedly forced a moving car to stop and attacked one of its occupants. The 21-year-old non-Roma victim is expected to spend up to 6 months in the hospital to recover. Police are investigating the motive for the attack.

Anastazia Balazova, Roma mother of eight, died of injuries from a beating by unknown assailants in her Zilina home on August 20. On September 23, Zilina regional police placed two suspects in custody and confirmed that the attack was racially motivated. Three suspects are currently imprisoned, one of whom is a Rom. The investigation continued at year's end; no conclusion had been made regarding whether or not the crime was racially motivated.

On August 30, Rom Jan Sudman was shot and injured in his hand by a pellet gun while doing clean-up work in the public works program. The case is currently under investigation. Allegedly other Roma participating in the public works program have also been attacked by skinheads, and citizens are deliberately throwing litter out their windows in response to their participation.

There was no progress during the year in a number of 1999 cases of violence against Roma. Many cases of skinhead violence that occurred in 1999 were dropped due to lack of witnesses.

During the most recent census (1991), 14,000 citizens registered themselves as Ukrainians, and 17,000 registered themselves as Ruthenians. However, the statistical office does not differentiate between Ruthenian and Ukrainian; it records 32,747 persons in the Ruthenian/Ukrainian ethnic group. The current Government also considers the Ruthenian and Ukrainian minorities as a single group. However, about 50,000 persons listed Ruthenian as their native language in the 1991 census. Ruthenians disagree that they are Ukrainians, and that their language is only a Ukrainian dialect. In September 1998, Slovak State Radio started broadcasting a long-promised daily regional program for the Ruthenian minority in Presov. However, after the 1998 parliamentary elections, this broadcasting was discontinued, and the broadcast is now in Ukrainian. There is a television broadcast in Ruthenian on STV, which is aired once every 2 months. In addition the Ruthenian minority receives state funding to publish a biweekly newspaper in Ukrainian. A representative of the Ruthenian Revival Organization stated that Ruthenian language instruction is provided in two schools in the northeast. There is an institute for minority languages at Presov University in the northeast. Two instructors at the Institute teach Ruthenian culture and language.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right to form and join unions, except in the armed forces. Approximately 45 percent of the work force is unionized. Most unions are independent of the Government and political parties but lobby those entities in order to gain support for union positions on key labor issues.

The Constitution provides for the right to strike, and there are no restrictions on this right. The national statistical office reported no official strikes during the year.

However, an increasing number of strike alerts and unofficial strikes were reported during the year. Many of these actions anticipated layoffs or protested the nonpayment or partial payment of salaries due to restructuring of the company or insolvency. Local unions also held strike alerts.

There were no instances of retribution against strikers or labor leaders. Relevant legislation on collective bargaining prohibits the dismissal of workers legally participating in strikes. However, according to this law, a strike is legal and official only if it is for the purpose of collective bargaining; if it is announced in advance; and if a list of strike participants is provided. If the strike is not considered to be official, strikers are not ensured protection.

Unions are free to form or join federations or confederations and to affiliate with and participate in international bodies.

*b. The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining. Following the September 1998 parliamentary election the KOZ decided to reenter tripartite negotiations with employers and the Government. However, unions have expressed dissatisfaction with the Government, claiming that it has not included them in important decisionmaking and does not give adequate attention to their demands.

The law on citizens' associations prohibits discrimination by employers against union members and organizers. Complaints may be resolved either in collective negotiations or in court. If a court rules that an employer dismissed a worker for union activities or for any reason other than certain grounds for dismissal listed in the

Labor Code, the employer must reinstate the worker. There were no reports of abuses targeted against unions or workers.

In July the Railway Workers, with the support of the ILO, appealed to the Government to amend the Act on Collective Bargaining to lower the quorum of employees necessary for the declaration of a strike and to eliminate the requirement that a list of employees participating in a strike be provided to the employer. Although the Government has developed draft amendments to this legislation, no agreement has been reached to date.

The 1996 Customs Act regulates free customs zones and customs warehouses. Firms operating in such zones must comply with the labor code; there have been no reports of special involvement by the trade unions to date. No special legislation governs labor relations in free trade zones.

*c. Prohibition of Forced or Compulsory Labor.*—Both the Constitution and the employment act prohibit forced or compulsory labor, including that performed by children, and the Government enforces this prohibition effectively; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.). The Ministry of Labor, Social Affairs, and Family, as well as district and local labor offices, have responsibility for enforcement.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Government ratified ILO convention 182 in 1999; it came into force in December, and the Government adheres to its standards. The law sets the minimum employment age at 15 years. Children must remain in school for 9 years, or until the age of 15, although this requirement is not enforced strictly, particularly for the Romani minority. Workers under the age of 16 may not work more than 33 hours per week; may not be compensated on a piecework basis; may not work overtime or night shifts; and may not work underground or in specified conditions deemed dangerous to their health or safety. Special conditions and protections, though somewhat less stringent, apply to young workers up to the age of 18. The Ministry of Labor enforces this legislation. There were no reports of violations. The law and the Constitution prohibit forced and bonded child labor, and the Government enforces these prohibitions effectively; however, instances of trafficking in girls for the purpose of forced prostitution is a problem (see Sections 5, 6.c., and 6.f.).

*e. Acceptable Conditions of Work.*—The minimum wage was \$93 (SK 4,000) per month during the year. Even when combined with special allowances paid to families with children it did not provide a decent standard of living for a worker and family. The Ministry of Labor is responsible for enforcing the minimum wage. No violations were reported. The standard workweek mandated by the Labor Code is 42.5 hours, although collective bargaining agreements have achieved reductions in some cases (most often to 40 hours). For state enterprises, the law requires overtime pay up to a maximum of 8 hours per week, and 150 hours per year, and provides 5 weeks of annual leave. Private enterprises can compensate their employees for more hours of overtime than stipulated by the law. There is no specifically mandated 24-hour rest period during the workweek. The trade unions, the Ministry of Labor, and local employment offices monitor observance of these laws, and the authorities effectively enforce them.

The Labor Code establishes health and safety standards that the Office of Labor Safety effectively enforces. For hazardous employment, workers undergo medical screening under the supervision of a physician. They have the right to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. Employees working under conditions endangering their health and safety for a certain period of time are entitled to paid "relaxation" leave in addition to their standard leave.

*f. Trafficking in Persons.*—The law specifically prohibits trafficking in persons in all forms; however, there were instances of trafficking in women and girls. The country is a source country, a transit country, and a destination country for such victims of trafficking. There is no evidence of government involvement in or tolerance of trafficking, and the Ministry of Interior is involved in activities to combat trafficking. According to the Ministry of Interior, there were 13 documented cases of Slovak women being forced into prostitution in other countries or foreign women being forced into prostitution in the Slovak Republic during the year, of which 11 were resolved. A case can be documented either when a trafficked person files a complaint with the police or when the police initiate a criminal investigation against a suspected trafficker. During the year, there were 11 investigations opened against pimps, of which 7 were resolved. The problem received more public attention this year, but it is still likely that there are more cases than those that are documented. There are no NGO's or organizations that have as their main purpose to specifically provide support to victims of trafficking; however, women's NGO Fenestra provides

support for these victims. In April a women's NGO, the Alliance for Women, sponsored a conference on trafficking.

In July an 18-year-old Roma girl from Hencovce was allegedly kidnapped, taken to the Czech Republic where she was sold for \$93, and forced into prostitution. This case is pending. Other Roma women have reported similar stories. Some NGO's argue that the women voluntarily chose the profession and then claim they were forced in order to avoid contempt from their community when they return, while others contend they were true victims of trafficking.

A report issued by the Ministry of Interior states that the Slovak Republic is a transit country for persons being trafficked mainly to Austria, the Czech Republic, and Germany for the purpose of forced prostitution. There were also reports of Slovak women being trafficked to Western Europe with promises of work as models, waitresses, and au pairs. Their passports were allegedly confiscated, and they were allegedly forced to work in adult entertainment clubs or as prostitutes. According to the report, 3 cases of trafficking were prosecuted in 1998 and 11 in 1999. There were four prosecuted cases of forced prostitution in 1998 and nine cases in 1999.

Some women from Russia and Ukraine reportedly are trafficked through the Slovak Republic on their way to countries such as Turkey, Greece, Italy, Germany, and Serbia, where they are forced to work as prostitutes. According to a report on trafficking in women issued by the Swedish National Criminal Investigation Department in March 1999, women from the Slovak Republic work in Sweden as prostitutes. In four 1998 court cases involving women trafficked to Sweden, some women came from the Slovak Republic, among other countries. Although previously it was primarily a source country, increasingly women from less prosperous eastern countries (including Russia, Belarus, Ukraine, Romania, and Bulgaria) find themselves trafficked through and to the Slovak Republic.

## SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic. Power is shared between a directly elected president, a prime minister, and a bicameral legislature. Since the country's independence with the breakup of Yugoslavia in 1991, free, fair, and open elections have characterized the political system. In October elections were held to elect representatives to the Parliament's lower house. The Government respects constitutional provisions for an independent judiciary in practice.

The police are under the effective civilian control of the Ministry of the Interior. By law the armed forces do not exercise civil police functions.

The country has made steady progress toward developing a market economy. Although "social property" was abolished in 1998, the Government continues to own 50 percent of the economy, particularly in the financial sector, utilities, and the port of Koper. Trade has been diversified toward the West and the growing markets of Central and Eastern Europe. Manufacturing accounts for most employment, with machinery and other manufactured products constituting the major exports. Labor force surveys put unemployment at 7.6 percent, but registration for unemployment assistance was 13.6 percent. Inflation was 6.1 percent in 1999, while real gross national product grew 4.9 percent. The currency is stable, fully convertible, and backed by substantial reserves. The economy provides citizens with a good standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. An ombudsman deals with human rights problems, including citizenship cases. Police on occasion beat and abused Roma. Violence against women is a problem. Approximately 13,000 non-Slovene (former Yugoslav) residents who had been without legal status since independence in 1991, some due to the Government's slow processing of their original applications, and others because they had never applied, were offered legal residence in late 1999. A total of 12,862 persons applied for legal residence: 7,861 were accepted; 264 were refused; and 4,737 were still being processed at year's end. These minorities reported some discrimination. There were instances of trafficking in women.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.



*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture and inhuman treatment as well as “humiliating punishment or treatment;” however, police on occasion beat Roma, allegedly resulting in severe injuries in some cases. Danko Brajdic, a Rom, was beaten by the police and admitted to a hospital with severe injuries. Sadik Kemalj, a Rom and former citizen of Slovenia, allegedly left the country without a passport and was beaten by police at the border when he attempted to return with a Macedonian passport. The authorities have not announced the filing of charges or the imposition of disciplinary measures in any of these cases.

Prison conditions meet minimum international standards and were not the subject of complaint by any human rights organization.

The Government permits prison visits by human rights monitors and the media.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest or deprivation of liberty, and the Government respects these provisions in practice.

The authorities must advise detainees in writing within 24 hours, in their own language, of the reasons for the arrest. Until charges are brought, detention may last up to 6 months; once charges are brought, detention may be prolonged for a maximum of 2 years. Some 26 percent of the average prison population of 1,100 inmates are in pretrial detention at any given time. The law also provides safeguards against self-incrimination. These rights and limitations are respected in practice.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice.

The judicial system consists of district courts, regional courts, a court of appeals, an administrative court, and the Supreme Court. A nine-member Constitutional Court rules on the constitutionality of legislation. Judges, elected by the State Assembly (Parliament) upon the nomination of the Judicial Council, are constitutionally independent and serve indefinitely, subject to an age limit. The Judicial Council is composed of six sitting judges elected by their peers and five presidential nominees elected by the Parliament.

The Constitution provides for the right to a fair trial, including provisions for: Equality before the law, presumption of innocence, due process, open court proceedings, the right of appeal, and a prohibition against double jeopardy. Defendants by law have the right to counsel, without cost if need be. These rights are respected in practice, although the judicial system is so burdened that justice frequently is protracted. In some instances, criminal cases reportedly have taken 2 to 5 years to come to trial. The problem is not widespread, and defendants are released on bail except in the most serious criminal cases.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the protection of privacy, “personal data rights,” and the inviolability of the home, mail, and other means of communication. These rights and protections are respected in practice, and violations are subject to effective legal sanction.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of thought, speech, public association, the press, and other forms of public communication and expression. Lingering self-censorship and some indirect political pressures continued to influence the media.

The press is now a vigorous institution emerging from its more restricted past. The major media do not represent a broad range of political or ethnic interests, although there is an Italian-language television channel as well as a newspaper available to the ethnic Italian minority who live on the Adriatic Coast. Hungarian radio programming is common in the northeast where there are approximately 8,500 ethnic Hungarians. Bosnian refugees and the Albanian community have newsletters in their own languages.

Four major daily and several weekly newspapers are published. The major print media are supported through private investment and advertising, although the national broadcaster, RTV Slovenia, enjoys government subsidies, as do cultural publications and book publishing. Seven local television channels are available and four of them are independent private stations. Numerous foreign broadcasts are available via satellite and cable. All major towns have radio stations and cable television. Numerous business and academic publications are available. Foreign newspapers, magazines, and journals are widely available.

In theory and practice, the media enjoyed full journalistic freedom. However, for over 40 years the country was ruled by an authoritarian Communist political system, and reporting about domestic politics may be influenced to some degree by self-censorship and indirect political pressures.

The election law requires the media to offer free space and broadcasting time to political parties at election time. Television networks routinely give public figures and opinion makers from across the political spectrum access via a broad range of public service programming.

The Constitution provides for autonomy and freedom for universities and other institutions of higher education. There are two universities; each has numerous affiliated research and study institutions. Academic freedom is respected, and centers of higher education are lively and intellectually stimulating.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the rights of peaceful assembly, association, and participation in public meetings, and the Government respects these rights in practice. These rights can be restricted only by an act of Parliament in circumstances involving national security, public safety, or protection against infectious diseases.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. No person can be compelled to admit his religious or other beliefs. There are few formal requirements for recognition as a religion by the Government. Religious groups, including foreign missionaries, must register with the Ministry of the Interior. Registration entitles such groups to value added tax rebates on a quarterly basis. All groups in the country report equal access to registration and tax rebate status. Foreign missionaries (including a Church of Jesus Christ of Latter-Day Saints (Mormon) mission) and religious groups (including Hare Krishna, Scientology, and Unification organizations) operate without hindrance.

The appropriate role for religious instruction in the schools continues to be an issue of debate. The Constitution states that parents are entitled "to give their children a moral and religious upbringing. ..." Before 1945 religion was much more prominent in the schools, but now only those schools supported by religious bodies teach religion.

The Roman Catholic Church was a major property holder in the Kingdom of Yugoslavia before World War II. After the war, much church property—church buildings and support buildings, residences, businesses, and forests—was confiscated and nationalized by the Socialist Federal Republic of Yugoslavia. After Slovenian independence in 1991, Parliament passed legislation calling for denationalization (restitution or compensation) within a fixed period. However, a subsequent change of government in 1992 led to a virtual standstill in denationalization proceedings for several years. At year's end, over one-half of all cases had been adjudicated at the initial administrative level, representing over two-thirds of the total value of all cases. However, an increase in administrative processing in turn has led to a judicial backlog.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides that each person has the right to freedom of movement, to choice of place of residence, to leave the country freely, and to return. Limitations on these rights may be made only by statute and only where necessary in criminal cases, to control infectious disease, or in wartime. In practice citizens travel widely and often.

The Constitution provides for the grant of asylum in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government has provided asylum (or "temporary protection") to refugees but on a very limited basis in recent years. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared prosecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides that elections should be held at least every 4 years. Citizens have the right to change their government, voting by secret ballot on the basis of universal suffrage. The country has a mixed parliamentary and presidential system. The President proposes a candidate to the legislature for confirmation as Prime Minister, after consultations with the leaders of the political parties in the Parliament.

No restrictions hinder the participation of women or minorities in politics; however, women are underrepresented in government and politics. Of the 90 Members

of Parliament, 13 are women, while 3 of 18 cabinet ministers are women. During the October 15 Parliamentary elections, an increased number of women were nominated to run by political parties; however, the majority of these female candidates were assigned to run in districts in which their parties had little chance of winning (based on 1996 election results). The Prime Minister's Office has an active agency for monitoring and promoting the participation by women in public life.

The Constitution stipulates that the Italian and Hungarian ethnic communities each are entitled to at least one representative in the Parliament, regardless of their population.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Independent human rights monitoring groups promote respect for human rights and freedoms and freely investigate complaints about violations. The Government generally does not place obstacles in the way of investigations by international or local human rights groups.

An independent ombudsman appointed by Parliament deals with human rights problems, including so-called "economic rights." The incumbent is regarded as fair, but he lacks the power to enforce his opinions. In addition Parliament has been criticized as a major factor in the slow progress of property restitution ("denationalization"), casting doubt on the ombudsman's ability to alter the pace of the process. The ombudsman criticized the Government for the slow pace of legal and administrative proceedings, in criminal and civil cases, as well as in denationalization proceedings.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for equality before the law, and the Government observed this provision in practice. According to the 1991 census, the population is approximately 2 million, of whom 1.7 million are ethnic Slovenes and the remainder are persons of 23 other nationalities. There were some 50,000 Croats, 48,000 Serbs, 27,000 Muslims, 8,500 Hungarians, and 3,000 Italians.

The Constitution provides special rights for the "autochthonous Italian and Hungarian ethnic communities," including the right to use their own national symbols, enjoy bilingual education, and benefit from other privileges. It also provides for special status and rights for the small Romani community, which are observed in practice.

*Women.*—While violence against women occurs and almost certainly is underreported, the awareness of spousal abuse and violence against women is on the rise. During 1999 and 2000, 224 persons were charged with offenses including domestic violence (82), "brutality" (25), "threat to safety" (27), and other unspecified offenses that resulted in injuries (51). In 1998 83 men were charged with rape. In 1998 10,021 misdemeanor charges of "endangering safety in a private place" were filed. Although no breakdown of victims is available by sex for 1998, records from previous years indicate that at least 40 percent, or approximately 4,000 cases, involved domestic disputes where women were threatened. Three shelters are available for battered women, which are partially funded by the State. The shelters operate at capacity (about 40 beds combined) and turn away numerous women every year. In cases of reported spousal abuse or violence, the police actively intervene, and criminal charges are filed. Although the law allows police to fine both parties in cases of domestic violence, in practice fines and arrests are reportedly confined to men only.

Slovenia is primarily a transit country for trafficking in women for prostitution, although it is also a destination country (see Sections 6.c. and 6.f.).

Equal rights for women are a matter of state policy. There is no official discrimination against women or minorities in housing, jobs, or education. Under the Constitution, marriage is based on the equality of both spouses. The Constitution stipulates that the State shall protect the family, motherhood, and fatherhood.

In rural areas, women, even those employed outside the home, bear a disproportionate share of household work and family care, because of a generally conservative social tradition. However, women frequently are encountered in business and in government executive departments.

Equal pay for equal work for men and women is the norm. Although both sexes have the same average period of unemployment, women still are found more often in lower paying jobs. On average women's earnings are 85 percent of those of men.

*Children.*—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provided compulsory, free, and universal primary school edu-

cation for children through grade 9 (ages 14 and 15). The Government provided universal health care for all citizens, including children.

The Constitution stipulates that children "enjoy human rights and fundamental freedoms consistent with their age and level of maturity." Moreover, special protection from exploitation and maltreatment is provided by statute. Social workers visited schools regularly to monitor for any incidents of mistreatment or abuse of children.

There is no societal pattern of abuse of children.

*People with Disabilities.*—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law mandates access to buildings for the disabled, and the Government enforces these provisions. The law also provides for the disabled to receive special services in the areas of education, employment, and social services. The law also provides for the disabled to receive special services in the areas of education, employment, and social services.

"Autism and children"

– tatt-ttal

role to an extent, although in the private sector, wages and working conditions are agreed annually in a general collective agreement between the "social partners." The labor unions and the Chamber of Economy. There were no reports of antiunion discrimination.

Export processing zones exist in Koper, Maribor, and Nova Gorica. Worker rights in these zones are the same as in the rest of the country.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and bonded labor, including that performed by children, and there were no reports of forced labor by adults or children; however, police reported 20 cases of trafficking in women for prostitution in 1999 (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16. Children must remain in school through grade 9 (ages 14 and 15). During the harvest or for other farm chores, younger children do work. In general urban employers respect the age limits. The law prohibits forced and bonded labor by children, and there were no reports of its use (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The minimum wage is \$252 (59,150 tolar) per month, which provides a decent standard of living for the average worker and family. The workweek is 40 hours. In general businesses provide acceptable conditions of work for their employees. Occupational health and safety standards are set and enforced by special commissions controlled by the Ministries of Health and Labor. Workers have the right to remove themselves from unsafe conditions without jeopardizing their continued employment.

*f. Trafficking in Persons.*—The law on "enslavement" prescribes criminal prosecution for a person who "brings another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells or delivers another person to a third party" or brokers such a deal. Sentences for enslavement convictions range from 1 to 10 years' imprisonment. Persons also can be prosecuted for pimping or pandering "by force, threat or deception." The penalty ranges from 3 months' to 5 years' imprisonment or, in cases involving minors or forced prostitution, 1 to 10 years' imprisonment.

The country was primarily a transit point for trafficking in persons, although it was also a destination country. Police interest in the issue was limited; victims were not encouraged to file complaints and very few cases were reported to the police. Police reported 20 cases in 1999 in which the country was a destination for prostitutes from Ukraine. Statistics on prosecutions were not available. The Government had no programs in place to prevent trafficking or to assist victims. There were no NGO's that dealt specifically with trafficking.

## SPAIN

Spain is a democracy with a constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. In March Jose Maria Aznar of the Popular Party (PP) was reelected Prime Minister, with the title President of the Government. The next national elections are scheduled for March 2004. The Government respects the constitutional provisions for an independent judiciary in practice.

There are three levels of security forces. The National Police are responsible for nationwide investigations, security in urban areas, traffic control, and hostage rescue. The Civil Guard polices rural areas and controls borders and highways. Autonomous police forces have taken over many of the duties of the Civil Guard in Galicia, parts of Catalunya, and the Basque country. The security forces are under the effective control of the Government. The security forces also maintain anticorruption units. Some members of the security forces committed human rights abuses.

The economy is market based, with primary reliance on private enterprise. Although a number of public sector enterprises remain in key areas, the Government's policy has been to privatize as many of them as possible. The economy grew during the second quarter at a 4.2 percent annual rate. The annual inflation rate at the close of 1999 was 2.9 percent; in the third quarter of 2000 it was 3.6 percent. Unemployment in the third quarter dropped to 14.2 percent, continuing its downward trend.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, including cases of police brutality, lengthy pre-trial detention, and delays in trials. Government investigations of alleged human rights abuses by the security forces are often lengthy, and punishments light. The Government is taking steps to deal with the problem of violence against women. Incidents of racism and rightwing violence against minorities and discrimination

against Roma continued to be problems. There were instances of forced labor and child labor. Trafficking in women for the purpose of forced prostitution was a problem.

Throughout the year there were ongoing judicial proceedings related to the involvement of former government officials in the Antiterrorist Liberation Groups (government-sponsored death squads known by their acronym, GAL), which killed 27 persons between 1983 and 1987, including 10 persons with no connection to the terrorist group Basque Fatherland and Liberty (ETA), the ostensible target of the GAL.

In December 1999, ETA ended its 14-month unilateral cease-fire and launched a new campaign of terrorism. ETA attacks claimed 23 lives during the year. ETA sympathizers also conducted a campaign of street violence and vandalism in the Basque region. Judicial proceedings against members of ETA continued. Spanish and French police arrested dozens of suspected ETA members and collaborators.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings by government agents.

No developments were reported in the following ongoing cases: The March 1997 case of a Civil guard officer who allegedly shot a Moroccan boy in the back and killed him; the appeal of police officer Antonio Barrionuevo's conviction in the 1996 killing of Portuguese citizen Manuel Abreu Silva; and the deaths of eight prison inmates under suspicious circumstances in 1996–97.

Five individuals were convicted during the year in the GAL case of Jose Ignacio Zabala and Jose Antonio Lasa, who were kidnaped, tortured, and killed in 1983. Enrique Rodriguez Galindo, a Civil Guard general, and Julen Elgorriaga, the then civil governor of Guipuzcoa, each received sentences of 71 years' imprisonment. An additional three Civil Guard officers were sentenced to 69 and 67 years' imprisonment. Miguel Brecia Guillen was sentenced in 1999 to 68 years in jail for the 1986 murder of two French citizens. The state prosecutor recommended closure of the 1984 Monbar case for lack of evidence. Other cases in which security forces are alleged to have committed murder in the mid-1980's, such as those of Ramon Onaederra, Mikel Zabaltza, and Robert Caplanne, remain open but are unlikely to be prosecuted, also due to lack of evidence.

ETA declared an end to its 14-month "cease-fire" in December 1999 and resumed its terrorist activities. ETA's declared aim is to establish an independent Basque state in the Basque region of northern Spain and southern France. By year's end, ETA car bombings and shootings resulted in the deaths of 23 victims.

The ETA attacks began on January 21 when an ETA car bomb killed Lt. Col. Pedro Blanco in Madrid. On February 22, an ETA car bomb in Vitoria killed Basque Socialist Party Spokesman Fernando Buesa and his bodyguard. On March 6, an ETA car bomb exploded in San Sebastian, injuring eight persons. ETA assailants shot and killed newspaper columnist Jose Luis Lopez de la Calle on May 7 in Navarra. On June 4, ETA shot and killed Popular Party councilman Jesus Maria Pedrosa in Durango. On June 25, an ETA car bomb injured seven in Getxo.

An ETA car bomb detonated in the central shopping district of Madrid on July 12, injuring eight people. City councilman Jose Maria Martin Carpena was shot and killed in front of his family on July 15 in Malaga. On July 16, an ETA car bomb injured the wife of a civil guard in Agreda. On July 29, Juan Maria Jauregui, former Socialist Party delegate to Guipuzcoa, was shot and killed. On August 8, an ETA car bomb killed Basque businessman Jose Maria Korta. In Madrid 6 hours later, another ETA car bomb injured 11 persons. On August 9, an ETA assailant shot and killed army Lt. Francisco Casanova in Navarra.

On August 20, ETA killed two civil guards in the northern region of Huesca by planting a bomb under their patrol car. On August 30, an ETA assailant shot and killed Popular Party town councilman Manuel Indiano Azaustre in his Guipuzcoa candy shop. On September 13, an ETA assailant shot and severely wounded Jose Ramon Recalde, a former Socialist Party Counselor, at his home in San Sebastian. On September 20, ETA assailants shot and killed Popular Party town counselor Jose Luis Ruiz Casado near Barcelona. ETA killed a military doctor in Andalucia on October 16 and a prison official in Victoria on October 22. An ETA car bomb took the life of a Supreme Court judge and three persons in Madrid on October 30. An ETA assailant shot and killed former Health Minister Ernest Lluch in Barcelona on November 11. ETA ended the year with the killing of its fifth Popular Party town counselor and a policeman, both near Barcelona. It was the bloodiest year of ETA violence since 1994. ETA publicly claimed responsibility for these attacks.

Legal actions against ETA members continued. Spain obtained the extradition of the former leader of ETA, Francisco Mugica Garmendia, from France in February. He faces charges that include involvement in 23 killings, illicit possession of explosives, and falsification of documents. In February a court sentenced ETA member Mikel Azurmendi Penagaricano to 36 years in prison for the killing of Army Lt. Miguel Peralta in 1994. On July 6, a court sentenced members of the Andalusian command of ETA to a total of 108 years in prison for crimes committed in 1997 and 1998, when the group tried to murder the then mayors of Granada and Seville. On July 25, a court convicted ETA member Ramon Aldasoro for his participation in the March 1988 bombing of a police barracks and sentenced him to 67 years' imprisonment.

In March Amnesty International (AI) appeared before the Basque Parliament and made a strong appeal for ETA to stop violating human rights through murder, kidnapping, and intimidation. AI expressed its support for the Government's 1999 compensation law for victims of ETA terror but called on the Government to compensate victims of government torture as well. AI also criticized the Government for permitting suspected terrorists to be held incommunicado for up to 5 days after arrest.

Several organizations are dedicated to the concerns of victims of terrorism, among them the Association of Victims of Terrorism (AVT). AVT was founded in 1981 and serves 1,300 families, providing legal and psychological counseling. The Government supports its work.

A Spanish extradition request for former Chilean dictator Augusto Pinochet was denied after a lengthy judicial review in the United Kingdom. Spanish courts sought to try Pinochet for his involvement in the disappearance of 600 Spaniards under Chilean and Argentine governments in the 1970's and 1980's. On March 2, the United Kingdom Minister of Home Affairs allowed Pinochet to return to Chile without trial on grounds of ill health.

No developments occurred in case of the 1999 international arrest warrants for former Argentine junta Generals Galtieri and Videla, Admiral Massera, and 95 lower ranking military officers. The High Court refused jurisdiction in December in the criminal suit filed by indigenous Guatemalan leader Rigoberta Menchu against eight former Guatemalan military and civilian leaders for human rights abuses.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such acts; however, suspects charged with terrorism routinely assert that they have been abused during detention, and other detainees sometimes make similar charges. The Government investigates allegations of torture and also permits outside parties to investigate them.

On May 20, Antonio Fonseca, an illegal African immigrant, died after his arrest in Arrecife. Witnesses contend that police aggressively detained Fonseca. One claimed that four officers beat Fonseca before he reached his holding cell. The police chief of Arrecife denied the accusations, claiming that Fonseca's contusions resulted from his struggle to escape. In September Interior Minister Mayor Oreja announced that two investigations and autopsies indicated that Fonseca died of natural causes and that there was no basis for prosecution of the arresting officers.

No developments were reported in the following cases from previous years: The November 1998 case of two policemen in Melilla who were charged with raping a Moroccan girl; the trial that began in November 1998 of six members of the Civil Guard who were accused of torturing three suspected ETA members in 1992; the complaint filed against the police in the beating of Ivan Gonzalez in September 1997.

In April a Madrid court sentenced a policeman to 5 years' imprisonment for the July 1994 illegal detention and beating of a man from the Madrid suburb of Majadahonda.

ETA sympathizers engaged in extensive street violence in the Basque region throughout the year. On February 25, 8 families were evacuated from their homes in Vizcaya after 30 hooded individuals threw Molotov cocktails at a bank in the central square. Molotov cocktails also were thrown into the home of Jose Luis Lopez de la Calle, member of the anti-ETA Ermua forum and columnist, on February 28. (ETA subsequently killed Lopez de la Calle in May.) Incidents of street violence in support of ETA, called the "kale barroka" in the Basque language, increased during the year: 681 acts of street violence were reported in the Basque region and neighboring Navarra during the year. The Basque police and the Spanish National Police arrested over 160 persons in connection with the street violence.

Prison conditions generally meet or exceed minimum international standards.

In Madrid prisons there were 21 reports of abuse during 1999. In the first 3 months of 2000, eight cases were reported. On February 24, 17 prisoners in San Se-

bastian's Martutene Prison began a sit-in and hunger strike in solidarity with ETA prisoner Daniel Derguy, who had been fasting for 60 days in a French prison.

No developments were reported in the March 1998 investigation into 31 cases of alleged abuse and negligence by prison officials in 1996 and 1997 that led to 8 inmate deaths. The Supreme Court awarded \$115,000 (20 million pesetas) to the family of Juan Antonio Fernandez, a prisoner who was killed by a fellow inmate in the Madrid prison of Carabanchel in March 1997.

Basque activists continued to demand that all imprisoned ETA terrorists be moved to prisons in the Basque region or the adjacent region, Navarra. As of March, 378 ETA terrorists were in jail.

The Government permits prison visits by human rights monitors, including the Council of Europe's Committee for the Prevention of Torture.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions in practice.

A suspect may not be held for more than 72 hours without a hearing except in cases involving terrorism, in which case the Penal Code permits holding a suspect an additional 2 days without a hearing and the possibility of incommunicado detention, provided that a judge authorizes such action.

At times pretrial detention can be lengthy. By law suspects may not be confined for more than 2 years before being brought to trial, unless a further delay is authorized by a judge, who may extend pretrial custody to 4 years. In practice pretrial custody is usually less than a year. However, criticism is heard in legal circles that some judges use "preventive custody" as a form of anticipatory sentencing. In late 2000, approximately 20 percent of the prison population was in pretrial detention (9,446 inmates out of 44,866 total), although that number included convicted prisoners whose cases were on appeal.

The law on aliens permits detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision.

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the proceedings. The National High Court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and the authorities respect this right in practice. There is a nine-person jury system.

Defendants have the right to be represented by an attorney (at state expense for the indigent). They are released on bail unless the court believes that they may flee or be a threat to public safety. Following conviction, defendants may appeal to the next highest court.

The law calls for an expeditious judicial hearing following arrest. However, the AVT and others have criticized delays in the judicial process, which can result at times in lengthy pretrial detention (see Section 1.d.) and delays in trials. In cases of petty crime, suspects released on bail sometimes wait up to 5 years for trial.

Human rights groups such as the Association Against Torture and members of the press complain that many persons convicted of offenses constituting violations of human rights avoided sentencing by prolonging the appeals process and that sentences for persons convicted of such offenses are unduly light. According to AI, custodial sentences of less than 1 year and a day customarily are not served in such cases.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the privacy of the home and correspondence. Under the Criminal Code, government authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. The antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in "cases of emergency."

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects this right in practice. Opposition viewpoints, both from political parties and nonpartisan organizations, are reflected freely and widely in the media.

The Catalunya regional government's failure in 1999 to renew broadcast licenses for three Catholic Church radio stations was challenged successfully in the



Catalunya Supreme Court in March. The court ruled that the criteria used by the regional government to award licenses placed disproportionate emphasis on the use of Catalan language in the programming. The government of Catalunya elected not to appeal the decision.

On March 2, the Supreme Court prohibited the radical Basque party Euskal Herriarrok (EH) from using free broadcast time in the public media. The pro-ETA newspaper Egin and its affiliated radio station (Egin Irratia) were closed in 1998. Gara—another pro-ETA newspaper—has since emerged. An investigation into the alleged subordination of Egin's editorial line and hiring practices to ETA's command and the use of coded classified ads to coordinate ETA strategy still was underway.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for these rights, and the Government respects them in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no state religion, although Catholicism is the predominant religion and receives some government funding. Jews, Muslims, and Protestants have official status and also receive some support from the Government. Other recognized religions, such as Jehovah's Witnesses and Mormons, are covered by constitutional protections but receive no assistance. Religions not recognized officially are treated as cultural associations. Religious courses are offered in public schools but are not mandatory.

There are some allegations that the Government discriminates against non-Catholic religions, principally by not providing to other churches all of the privileges accorded to the Catholic Church.

In 1999 Parliament approved a nonbinding resolution calling on the Government to reinforce measures against the activity of destructive "sects." A 1989 law on sects already had authorized the police to investigate their activities, and a special unit was created for that purpose. The resolution was preceded by press accounts of a death under unusual circumstances of a member of Jehovah's Witnesses and the arrest of the leader of a group called The Orientation in April 1999.

Also in April 1999, a Helsinki Human Rights Federation report criticized the Government for discrimination against "new religions."

The decision of the regional government of Catalunya not to renew three local radio broadcasting licenses of the Catholic Church was overturned in court in March (see Section 2.a.).

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens are free to travel within and outside the country, to emigrate, and to repatriate, and the Government respects these rights in practice.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR), in assisting refugees and asylum seekers. Under a 1994 law, asylum requests are adjudicated in a two-stage process with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. The Interministerial Committee for Asylum and Refuge (CIAR) examines the applications accepted for processing. The CIAR includes representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a nonvoting member of the UNHCR. The decision of the CIAR in each case must be approved by the Minister of the Interior.

The 1994 law eliminated the distinction between asylum status and refugee status. This distinction was eliminated to prevent applicants from drawing out judicial proceedings by applying first for refugee status and then for asylum, if the former was denied.

The UNHCR advises the authorities throughout the process. Applicants for asylum have the right to have their applications sent immediately to the local office of the UNHCR. The authorities are not bound by the judgment of the UNHCR in individual cases, but they often reevaluate decisions with which the UNHCR does not agree. Appeals of rejection at either stage may be made to the National High Court, and appeals of the National High Court's decisions may be made to the Supreme Court.

Asylum requests may be made from outside as well as within the country. From outside anyone can request asylum from a Spanish diplomatic or consular representative. Illegal immigrants are permitted to apply for asylum. Those who lack visas or permission to enter may apply at the border or port of entry. The applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases of persons who apply inside the country, a decision must be reached within 2 months, but in cases of persons who apply at a port of entry this period is reduced to 72 hours. The period for filing an appeal in such cases is 24 hours. The Ombudsman (see Section 4) challenged the legality of

this form of detention before the Constitutional Court. The Court issued a preliminary decision in which it ruled that this form of detention does not deprive the detainee of his liberty. This provisional decision allowed the Government to continue to detain applicants without modifications to its detention procedures.

Applicants have the right by law to free legal assistance, regardless of where they are when they apply for asylum. This assistance is available from the first step in the process through any appeals of unfavorable decisions. The applicant also has the right to the assistance of translators and interpreters, and the OAR admits documents in any language without requiring an official translation.

In 1999 the Government received 8,405 requests for political asylum. Only 294 of the applicants were granted refugee status. An additional 679 were permitted entrance on humanitarian grounds. In the first 5 months of 2000 the Government received 3,010 requests for political asylum. The majority of applicants came from Algeria, Romania, Sierra Leone, and Armenia. The number of persons granted asylum has dropped steadily during the past 5 years.

The ombudsman expressed his concern over the high percentage of applications not admitted for processing (68.5 percent in 1997 and 56.6 percent in 1998). However, many persons with falsified documents are rejected early in the process. Many such applicants come from politically stable but economically impoverished countries.

The Government's practice of substituting temporary admittance on humanitarian grounds for granting asylum also has been criticized. The former status includes some restrictions on access to the labor market and welfare payments, although it does grant the applicant residency and work permits. Another concern is that in some cases individuals whose asylum requests were turned down may have been expelled while their appeals were still in progress, although no statistics are available. The law allows the applicant a 15 day grace period in which to leave the country if refugee status is denied. Within that time frame, the applicant may appeal the decision, and the court of appeal has the authority to prevent the initiation of expulsion procedures, which normally begin after the 15th day.

There were no reports of the forced return of persons to a country where they feared persecution.

A new law on immigration was passed in January and took effect in April. Although the new law does not include any specific mandates regarding work permits, it does recognize the rights of immigrants to peaceful assembly and association. The law grants eligibility for emergency health care to all immigrants and for all forms of health care to minors and pregnant women.

The new law prompted thousands of illegal aliens to seek to regularize their status. Between March and July, immigrants submitted about a quarter of a million applications. Of the 131,700 applications reviewed, 85,526 received legal status. The Government later concluded that the law, by granting illegal and legal immigrants many of the same rights, promoted increased illegal immigration. The authorities intercepted 3,569 aliens entering illegally via the Straits of Gibraltar in all of 1999. By August 2000, the authorities had already intercepted 7,833. The Government amended the immigration law in December to increase sanctions on employers who hire illegal aliens and to draw a sharper distinction between the rights afforded to legal versus illegal immigrants. Under the amended law, illegal aliens do not have the right to join unions or strike.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Spain is a multiparty democracy with open elections in which all citizens 18 years of age and over have the right to vote by secret ballot. At all levels of government, elections are held at least every 4 years. In the 1996 national elections, the Popular Party ended 13 years of Socialist (PSOE) rule, and Jose Maria Aznar became President of the Government. The Popular Party received an absolute majority in the 2000 parliamentary elections. The next national elections are scheduled for March 2004.

Governmental power is shared between the central government and 17 regional "autonomous communities." Local nationalist parties give political expression to regional linguistic and cultural identities.

Women are underrepresented in government and politics, although they are increasing their participation in the political process. Of 19 Cabinet Ministers, 3 are women. The President of the Senate and the Speaker of the Chamber of Deputies are women. The number of female Members of Parliament increased after the 2000 elections: of the 350 members of the lower house, 99 are women. Of 259 Senators, 63 are women. In the 1999 European Parliament elections, both the PP and PSOE

placed women at the top of their lists. On the PSOE list, 50 percent of the candidates were women.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of nongovernmental human rights groups, including the Human Rights Association of Spain in Madrid and the Human Rights Institute of Catalunya in Barcelona, operate freely without government interference. The Government cooperates readily with international organizations, international nongovernmental human rights groups, and independent national groups investigating allegations of human rights abuses.

The Constitution provides for an ombudsman, called the "People's Defender," who as part of his duties actively investigates complaints of human rights abuses by the authorities. The ombudsman operates independently from any party or government ministry, must be elected every 5 years by a three-fifths majority of the Congress of Deputies, and is immune from prosecution. He has complete access to government institutions and to all documents other than those classified for national security reasons and may refer cases to the courts on his own authority. The ombudsman has a staff of approximately 150 persons and received some 25,000 complaints during the year. The majority of the complaints pertained to education and social services, although some dealt with discrimination, domestic violence, and mistreatment by law enforcement agencies.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for equal rights for all citizens. In 1995 the Parliament modified the Penal Code to make it a crime to "incite, publicize, or otherwise promote abuse or discrimination of people or groups" because of race, ethnicity, nationality, ideology, or religious beliefs. However, incidents of racism and rightwing violence against minorities and discrimination against Roma continued to be problems.

*Women.*—Sexual abuse, violence, and harassment of women in the home continued to be problems. According to the Government, at least 40 women and 6 men died as a result of domestic violence during the year. During 1999 over 25,000 women filed complaints of abuse against their husbands or partners, compared with 19,621 complaints in 1998. In 2000 5,722 criminal complaints were filed against husbands for abuse of their wives, as well as 14,846 misdemeanor complaints. However, experts believe that only 10 percent of violent acts against women are reported to the authorities. The Women's Institute, which is part of the Ministry of Labor and Social Affairs, counseled 104,856 women concerning domestic violence and legal aid in 1998 compared with 86,893 in 1997. Some nongovernmental organizations (NGO's) estimate that from 600,000 to 800,000 cases of domestic abuse occur each year.

In 1998 the Government unveiled a 3-year, \$60 million (9 billion pesetas) "Plan Against Domestic Violence." The plan criminalizes the violation of restraining orders and the infliction of psychological violence and calls for a quadrupling of the number of offices that assist victims and an expansion of medical and legal services. (Rape, spousal rape, and spousal abuse were already crimes.) Other provisions of the plan include: Public awareness campaigns in the media and in the schools; the establishment of a domestic abuse database to streamline judicial investigations; increased access of victims to public housing; and greater linkage between medical, police, legal, and counseling services in order to promote an integrated approach to treating victims. Public service announcements and press articles drawing attention to the problem of domestic violence were ubiquitous throughout the year.

Women's rights' advocates, while acknowledging that the plan incorporated many of their demands, expressed disappointment with several of its omissions. The Federation of Separated and Divorced Women criticized the plan as lacking in specifics, particularly its public sensitization campaigns. According to the Federation, the plan's key shortcoming is that it fails to make the issuance of a restraining order automatic upon filing a complaint. Currently, a restraining order is issued only after a guilty verdict.

The Government has invested over \$15.2 million (2.288 billion pesetas) in the plan. Since the plan was approved, 9 special services units and 54 Civil Guard units staffed by 110 women have been created to assist battered women. There are special sections in the police department to deal with violence against women, which are staffed by trained female officers, and there are approximately 25 shelters for battered women. There are 54 official centers in all for mistreated women. A toll-free hot line advises women where to go for government shelter or other aid if mistreated.

On April 9, the Government announced an initiative that would complete the 1998 "Plan Against Domestic Violence." The initiative calls for 5,000 lawyers specializing in domestic violence to be assigned throughout the country. The Government hopes that the presence of these lawyers will encourage women to come forward with complaints of violence or domestic abuse.

A 1999 law allows for an "immediate" divorce upon conviction of a husband for domestic violence. The socially conservative political parties (PP and nationalist parties) tended to favor this bill. Womens' groups and the more left-of-center political parties (PSOE and NI) opposed the bill, due to concern that a woman's right to divorce her abusive husband would be dependent on an inefficient legal system that often takes years to complete a single criminal proceeding.

A 1989 law prohibits sexual harassment in the workplace, but very few cases have been brought to trial under this law. Police received 319 sexual harassment complaints during the year. Meanwhile the number of women in the labor market is increasing steadily. The Government recognizes the difficulties faced by women in the workplace. According to a 1998 decree, employers no longer have to pay social security benefits to someone filling in for a worker on leave either for maternity, adopting children, or in other similar circumstances. Previously, companies hired substitutes for only 10 percent of workers on maternity leave. The Government hopes to raise this figure to 25 percent. A ministerial order to increase women's presence in sectors in which they currently are underrepresented provides a 2-year reprieve from paying social security taxes to employers who hire women in these sectors. The 1999 National Employment Action Plan gives priority to battered women who search for employment.

The Minister of Social Affairs reports that women constitute 43 percent of the work force. However, according to the Taxation Agency (Agencia Tributaria) and its 1997 report "Employment, Salaries and Pensions," completed by the Institution of Fiscal Studies, women hold only 18 percent of better paying positions. The female unemployment rate was 23 percent in 1999, down from 26.6 percent in 1998. It was still more than double the 11.1 percent unemployment rate for 1999 for men. Women outnumber men in the legal, journalistic, and health care professions but still play minor roles in many other fields.

Discrimination in the workplace and in hiring practices persists. A 1998 study of 100 labor union contracts revealed that 38 contracts failed to use gender-neutral language, 22 employed gender-specific job titles resulting in the imposition of discriminatory wage differentials (i.e., the salary of a male secretary, "secretario," was 13 percent higher than that of a "secretaria" in one food processing industry contract), and only 17 addressed the problem of sexual harassment. Discriminatory wage differentials continue to exist. A 1999 report by the General Workers' Union shows that women's salaries are 30 percent less than those of their male counterparts.

Women are equal under the law for divorce, inheritance, and business purposes.

Trafficking in women for the purpose of prostitution, primarily from Latin America and Eastern Europe, appears to be growing (see Sections 6.c. and 6.f.).

*Children.*—The Government demonstrates its commitment to children's welfare through well-funded and easily accessed programs of education and health care. Education is compulsory until age 16 and free until age 18. The Constitution obligates both the State and parents to protect children, whether or not born in wedlock. The Ministries of Health and Social Affairs are responsible for the welfare of children and have created numerous programs to aid needy children. Numerous NGO's further children's rights. For example a school help program for the protection of children has a team of experts who work with educators to help identify abused or abandoned children in the classroom.

The 1995 Law of the Child gives legal rights of testimony to minors in child abuse cases; it also obliges all citizens to act on cases of suspected child abuse and, for the first time, sets out rules regarding foreign adoptions. Under the Penal Code, children under the age of 18 are not considered responsible for their actions and cannot be sent to prison.

A 1996 penitentiary law lowered the maximum age that a child can remain with an incarcerated mother from 6 to 3 years. When the children reach their third birthday, they are sent to live with relatives or are placed in an institution. Some prisons have special units for mothers with children under age 3. The units usually include a kindergarten, psychological support, and programs for children to get out of prison regularly. Family groups with children under the age of 3 can now stay together in cases where both parents are convicts.

*People with Disabilities.*—The Constitution calls for the State to provide for the adequate treatment and care of the disabled, ensuring that they are not deprived of the basic rights that apply to all citizens. The law aims to ensure fair access to

public employment, prevent discrimination, and facilitate access to public facilities and transportation. The national law serves as a guide for regional laws; however, levels of assistance and accessibility differ from region to region and have not improved in many areas.

The Penal Code continues to allow parents or legal representatives of a mentally disabled person to petition a judge to obtain permission for the sterilization of that person. In 1994 the Constitutional Court held that sterilization of the mentally infirm does not constitute a violation of the Constitution. In practice many courts have authorized such surgery. Religious groups continue to protest this ruling.

The labor market reform laws of 1997 and 1998 worked out between the Government, labor, and management provided for incentives to hire individuals from groups underrepresented in the work force, such as the disabled. In the 1998 agreement, the Government agreed to subsidize partially the costs of hiring the disabled for part-time work.

*National/Racial/Ethnic Minorities.*—Public opinion surveys indicate the continued presence of racism and xenophobia, which result in discrimination against minorities. A February poll conducted by the Government's polling organization regarding attitudes towards foreigners found that Spaniards feel most identification with other Western Europeans and Latin Americans. There is less acceptance of immigrants from Morocco and sub-Saharan Africa. In February hundreds of Spanish villagers attacked the Moroccan immigrant population of El Ejido (Almeria) with baseball bats and iron rods. The riot was sparked by the murder of a Spanish woman by a Moroccan immigrant. The disturbance lasted 4 days and was followed over the course of several weeks by smaller outbreaks of anti-Moroccan immigrant violence.

On January 25, the Council of Europe cited a resurgence in nationalism, sometimes violent, which manifested itself in intolerance towards Roma, Africans, and Arabs. The Council recommended that the Government implement the antiracist provisions of the Penal Code; provide better statistics on racist attacks and vulnerable groups; deal with the marginalization of Roma and immigrants; and combat the activities of rightwing networks.

Roma continue to suffer discrimination in jobs, schools, and housing. According to a report issued by Gypsy Presence, the largest Roma-rights NGO, as many as 1 million Roma may live in the country. The organization estimates that half of this population is under 16 years of age and two-thirds are under the age of 25. The report states that one-third of Roma families are not economically self-sufficient. Romani activists attribute the high incidence of Romani informal sector employment in agriculture and peddling (an estimated 75 to 80 percent) to discrimination and historical marginalization. Although the Madrid High Court of Justice struck down in 1999 a city ordinance prohibiting peddling, Gypsy Presence reports that local authorities continue to find ways to enforce the ban. According to the organization, several other municipalities have enacted similar statutes, and this has been detrimental to the economic welfare of many Roma. Romani women suffer even more acute difficulties when seeking employment, since employers are reluctant to hire women from ethnic groups with high birth rates.

A 1998 study found that only 35 percent of Romani children are integrated fully into the educational system. About 60 percent of Romani children do not complete primary school, and only very few progress to middle school and beyond. According to a Gypsy Presence report, one-fifth of teachers describe themselves as anti-Roma, and one-fourth of students say that they would like to see Roma expelled from school. Truancy and dropout rates among Roma are very high, and Romani parents, over 80 percent of whom are functionally illiterate, often do not see the value of an education or are unaware of the educational opportunities for their children.

A shooting incident in the village of Albaladejo in 1999 illustrated the problems that even economically successful Roma can face. According to an NGO, the victim in the case was Juan Jose Garcia Garcia, who at one time was accused of drug dealing and assaulting Civil Guards but was acquitted of both charges. However, Civil Guards continued to harass him, often stopping him for identity checks or not wearing a seatbelt. According to Gypsy Presence, after being refused service at a bar, Garcia arranged to meet an employee of the bar, who later appeared at the appointed place with another man, shot Garcia, and left him for dead. Garcia was able to contact his wife by cellular phone, and help arrived in time to save him. After the two assailants were apprehended, the residents of Albaladejo turned out in force to protest their incarceration and petition for their release. The mayor often led the demonstrations. In June a court freed the two accused after they posted bond in the amount of \$3,333 and \$2,666 (500,000 and 400,000 pesetas respectively). Garcia and his family left Albaladejo.

In April 2000 the Department of Social Services announced a plan to relocate 300 Roma immigrants from a rural area to Madrid to improve their living conditions. The Roma were provided amenities such as running water, electricity, toilets, trash services, showers, and a community area in return for attending employment training. The project cost \$2 million (350 million pesetas). As of July 25, 17 of the Roma participants had secured outside employment.

Quasi-organized rightwing youth groups (called "skinheads" by the press) continued to commit violent acts throughout the year, terrorizing minorities. According to a 1999 report by the NGO Movement Against Intolerance, which the Ministry of Labor and Social Affairs helped prepare, the number of persons involved in ultrarightist groups more than quintupled since 1995: at least 10,400 citizens are known to be involved in such groups, and the actual number could be as high as 20,800. Movement Against Intolerance reported in March the presence of Spanish neo-Nazi groups on the Internet, aiming their attacks at Maghrebi immigrants. Through their web pages, these groups urged others to take violent action against all immigrants of North African descent.

In 1999 an NGO urged the Government to halt neo-Nazi activities in the formerly deserted village of Los Pedriches in the southeast. Foreign neo-Nazis were said to be organizing camps in the village. The authorities were monitoring the situation closely. After press attention, the groups reportedly left the village.

No arrests were made in July 1999 incidents in which a mosque in Gerona and a building in Banyoles that housed immigrants from Senegal and the Gambia were burned.

A language or dialect other than Castilian Spanish is used in 6 of the 17 autonomous communities. The Constitution stipulates that citizens have "the duty to know" Castilian, which is the "official language of the state," but it adds that other languages also can be official under regional statutes and that the "different language variations of Spain are a cultural heritage which shall ... be protected."

The Law of the Catalan Language, approved by the Catalan regional legislature (Generalitat) in 1998, stipulates the use of Catalan as the official language in local government and administrative offices, regional courts, publicly owned corporations, and private companies subsidized by the Catalan regional Government. Spanish-speaking citizens have the right to be addressed in Spanish by public officials. The legislation also establishes minimum quotas for Catalan-language radio and television programming. Controversy continued over the language law implementing legislation and related regulatory measures. Facing strong resistance from film distributors, the regional government in March annulled legislation that required foreign films distributed in sufficient quantities also to be dubbed and distributed in Catalan.

In June an administrative court in Tarragona considered a challenge to a local university regulation that imposed extensive use of Catalan in university affairs. The court, although leaving some of the regulation intact and declaring itself not competent to rule on the constitutionality of the linguistic law, struck down several sections of the regulation. For example, the court found that the regulation's treatment of certain administrative issues and a requirement that staff use Catalan at all public university functions exceeded university authority and autonomy and were not in conformance with other laws. Another court challenge involved the propriety of the same university's discipline of a professor for supplying copies of the university entrance examination in Spanish, rather than Catalan, to two students requesting Spanish versions. The court ruled in December that the professor was excluded wrongly from the administration of the examinations and praised her for defending the students' rights. The court clearly implied that the university's regulation limiting access to the examination in Spanish was discriminatory and said that it was permissible to foster the use of Catalan but not to do so in a manner that excludes or limits the use of Spanish. The university administration responded that it had no intention of modifying its regulation and intended to appeal the continued suspension of certain aspects of the regulation. Notwithstanding its response, in May it began supplying the entrance examination in Spanish to those who requested it.

The European Parliament in September declined to investigate allegations brought by Spanish-speaking activists that the linguistic law discriminated against Spanish-speakers. Both Galicia and Valencia have laws stating that it is the duty of the Government to "promote" their regional languages in schools and at official functions.

The debate continued over the extent to which the Basque language (Euskera) should be promoted. The Union of Basque-Speaking Lawyers, affiliated with the pro-ETA HB political party, intensified its campaign against the use of translation services in trials of Basque-speaking citizens.

*Section 6. Worker Rights*

*a. The Right of Association.*—All workers, except those in the military services, judges, magistrates, and prosecutors, are entitled to form or join unions of their own choosing. About 15 percent of the workforce is unionized.

Under the Constitution, trade unions are free to choose their representatives, determine their policies, represent their members' interests, and strike. They are not restricted or harassed by the Government and are independent of political parties. A strike in nonessential services is legal if its sponsors give 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. The right to strike was interpreted by the Constitutional Court to include general strikes called to protest government policy. There were 632 strikes in 1998, a decrease of 53 from 1997. The number of striking workers in 1998 was 680,500, an increase of 29,900 on the previous year. The number of workdays lost to strikes in 1998 was 1,280,900, a decrease of 555,900 on the previous year. The number of workdays lost to strikes continued to decrease in 1999 and 2000. In December government workers held a protest march and general strike over their demands for salary increases that kept pace with inflation.

Unions are free to form or join federations and affiliate with international bodies and do so without hindrance.

*b. The Right to Organize and Bargain Collectively.*—A 1980 statute provides for the right to organize and bargain collectively. Trade union and collective bargaining rights were extended in 1986 to all workers in the public sector except military personnel. Public sector collective bargaining in 1990 was broadened to include salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements are widespread in both the public and private sectors; in the latter they cover 60 percent of workers, notwithstanding that only about 15 percent of workers are actually union members.

The law prohibits discrimination by employers against trade union members and organizers. Discrimination cases have priority in the labor courts. The law gives unions a role in controlling temporary work contracts to prevent the abuse of such contracts and of termination actions. Unions nonetheless contend that employers discriminate in many cases by refusing to renew the temporary contracts of workers engaging in union organizing. More than one-third of all employees are under temporary contracts.

Labor regulations and practices in free trade zones and export processing zones are the same as in the rest of the country. Union membership in these zones is reportedly higher than the average throughout the country.

*c. Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor, including that performed by children, is prohibited, and the law is enforced effectively; however, there were instances of trafficking in women who were forced into prostitution (see Sections 5 and 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment of Children.*—The statutory minimum age for the employment of children is 16 years. The Ministry of Labor and Social Affairs is primarily responsible for enforcement. The minimum age is enforced effectively in major industries and in the service sector. It is more difficult to enforce on small farms and in family-owned businesses, where some child labor persists. Legislation prohibiting child labor is enforced effectively in the special economic zones. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The law prohibits forced or compulsory labor by children, and it is enforced effectively (see Section 6.c.).

In 1998 UNICEF called for an investigation into child labor on tomato farms in Badajoz. According to Red Cross personnel providing assistance to migrant farm workers there, over 200 children under the age of 16, the majority Portuguese citizens, worked 10-hour days and earned less than \$14 (2,000 pesetas) per day. Many of the children were less than 10 years old.

*e. Acceptable Conditions of Work.*—The minimum wage was set in December 1999 for 2000 and is \$14.16 (2,356 pesetas) per day or \$424.80 (70,680 pesetas) per month, a 2 percent increase compared with 1999. The legal minimum wage for workers over 18 years of age is considered sufficient to provide a decent standard of living for a worker and family. The rate is revised every year in line with the consumer price index and is enforced effectively by the Ministry of Labor and Social Affairs.

The law sets a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Workers enjoy 12 paid holidays a year and a month's paid vacation.

Several press stories reported that illegal immigrants worked for substandard pay and in substandard working conditions. The Inspectorate of Labor reported 2,724

cases of labor rights violations related to immigrants during the first 8 months of the year.

Government mechanisms exist for enforcing working conditions and occupational health and safety rules, but bureaucratic procedures are cumbersome and inefficient. Safety and health legislation is being revised to conform to European Union (EU) directives. The 1995 Law to Prevent Labor Risks is the basis for the completion of the rest of the EU directives. The National Institute of Safety and Health in the Ministry of Labor and Social Security has technical responsibility for developing labor standards, but the Inspectorate of Labor has responsibility for enforcing the legislation through judicial action when infractions are found. Workers have firm legal protection for filing complaints about hazardous conditions, but easily replaced temporary workers may be reluctant to use this protection due to fear of losing their jobs.

*f. Trafficking in Persons.*—The law provides for sentences of up to 3 years' imprisonment and a fine for trafficking in persons. Trafficking in women for the purpose of forced prostitution, primarily from Latin America, Eastern Europe, and Africa, appears to be growing.

The Guardia Civil announced a plan in May to focus on trafficking in women for prostitution and made 162 arrests from May to the end of the year. In February police arrested 19 persons for trafficking in women for prostitution in Andalucía. The network controlled 235 women, most were from Eastern Europe. In March police in Taragona and Castellon arrested 7 Moldovan nationals for operating a trafficking network which brought 520 women from Eastern Europe into Spain for purposes of prostitution. In late December, the Guardia Civil arrested a network of 30 traffickers. The coordinated arrests occurred in Madrid, the Basque region, and several other cities. The women were from Latin America.

At least three such rings were broken up in 1999. One ring was run by Russians and Azerbaijanis and involved the trafficking women from Eastern Europe. Another, which police in Castilla-La Mancha broke up in mid-July, brought women to the country from Africa, Europe, and South America. In August police in Andalucía detained 51 persons and broke up a ring that trafficked women from Brazil, Colombia, and Ecuador. In all these cases, women were promised jobs and given the necessary documents to enter the country. Upon arrival their documents were seized, and they were taken to alternative clubs and forced to have up to 10 sexual encounters per day.

Most women apprehended in raids are Latin Americans who entered the country legally as tourists (most from countries whose citizens do not require visas), but who began working as prostitutes instead. Profits in the sex industry are 10 times higher than those in other occupations commonly filled by migrants (waitresses, maids, etc.). Nonetheless, officials concede that significant numbers of women are trafficked to Spain by eastern European Mafia groups that ruthlessly exploit their victims. A Chinese gang, which forced migrants to submit to abortions, was apprehended. Media attention to the issue of international trafficking in women has encouraged NGO's and others to demand protection for victims. The April immigration law provides protections for trafficking victims who cooperate with police against traffickers. Press accounts state that authorities detained 163 pimps and freed 865 foreigners from abusive situations in the first half of the year. The half-year figures surpass the totals for all of 1998. A 1999 Civil Guard study estimated that 10,000 women were working in sex clubs, of whom 90 percent were immigrants.

The NGO Doctors of the World, which works with prostitutes, estimated during the year that 60 percent of the 45,000 female prostitutes were immigrants. Doctors of the World reported that 69 percent of these immigrant prostitutes were from Sub-Saharan Africa, 21 percent were from Latin America, and 8 percent were from Eastern Europe.

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## SWEDEN

Sweden is a constitutional monarchy and a multiparty parliamentary democracy. The King is Chief of State. The Cabinet, headed by the Prime Minister, exercises executive authority. The judiciary is independent.

The Government effectively controls the police, all security organizations, and the armed forces.

Sweden has an advanced industrial economy, mainly market based, and a high standard of living, with extensive social welfare services.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse.



The Government has longstanding programs to deal with violence against women and abuse of children and took steps against trafficking in women. Neo-Nazi violence remained a problem.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political killings.

In June a police officer was charged with breach of duty, serious ill treatment, and causing the death of another, in a March incident in which he shot a fleeing suspect. The police officer reportedly fired a warning shot, then shot the man from behind because he was convinced that the suspect was armed.

In June a prison escapee died after being caught and restrained by four prison guards. Nongovernmental organizations (NGO's) are concerned that the man may have died as a result of excessive use of force by the guards. The guards were suspended pending the results of a police investigation into the death.

The Prosecutor General closed his review of the initial investigation of a 1995 case in which a man died in police custody, acknowledging that there had been flaws in the investigation. He urged that a further, independent investigation be carried out into how the authorities had handled the different aspects of the case. No one was ever prosecuted for the death, although the two policemen involved were convicted of a minor offense in 1996. A report by the parliamentary Ombudsman concluded that the current procedure for dealing with complaints against the police was inadequate and proposed that an independent system be established. In June the Minister of Justice decided to appoint a commission of inquiry to look into past deaths in custody in order to propose safeguards. NGO's remain very interested in such cases.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the authorities generally respect such prohibitions. Complaints of the excessive use of force by the police are infrequent. Thorough investigations have produced no evidence of a systemic problem. Typically, police officers found guilty of abuse are suspended or otherwise disciplined.

Five cases of excessive use of force by policemen during the year were under investigation. Three officers were fined for excessive use of force in October 1999, but there were no reported cases of policemen being fired for committing crimes in the course of their duties—including the use of excessive force.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions. Arrests are by warrant. The police must file charges within 6 hours against persons detained for disturbing the public order or considered dangerous, and within 12 hours against those detained on other grounds. The law requires arraignment within 48 hours. The time between arrest and the first court hearing may be extended to 96 hours for detainees considered dangerous, likely to destroy evidence, or likely to flee. In cases involving more than one individual and in the case of foreigners, courts can and do order continued detention for 2 weeks at a time while police are investigating. Such detentions can be protracted, particularly in drug cases. Other than such dangerous suspects, detainees routinely are released pending trial. Bail as such does not exist. If a person files for bankruptcy and refuses to cooperate with an official investigation, a court may order detention for up to 3 months, with judicial review every 2 weeks.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system is composed of three levels of courts: District courts, a court of appeals, and a Supreme Court. All criminal and civil cases are heard first in district court regardless of the severity of the alleged crime.

The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law limits home searches to investigations of major crimes punishable by at least 2 years' imprisonment. The authorities respect this provision. Normally the police must obtain court approval for a search or a wiretap. However, a senior police official may approve a search if time is a critical factor or the case involves a threat

to life. The national police and the Prosecutor General's Office submit a report to Parliament every year detailing all of the electronic monitoring done during the previous year. In April the Minister of Justice presented a proposal to expand the use of police wiretapping. According to the proposal, wiretapping would be allowed only if serious drug crimes or serious crimes that would result in at least 4 years' imprisonment were suspected. A parliamentary decision is likely in 2001. A court must grant permission for wiretaps on a case-by-case basis. NGO's were critical of the Ministry's proposal.

In 1997 journalistic investigations focused attention on the country's pre-1976 practice of forced sterilization. The majority of persons sterilized were disabled either mentally or physically. Such operations were known for years to have taken place under pre-World War II legislation, most of them without force. It initially was reported that between 1934 and 1976, 62,888 forced sterilizations were carried out, 95 percent of them on women. In 1999 a government-appointed commission concluded that approximately 10,000 to 15,000 of these sterilizations were forced. The commission gave priority to the question of damages to victims and also looked into the possible existence of other categories of victims. The commission concluded its inquiry in 1999, and Parliament decided to pay damages of approximately \$21,000 (175,000 krona) to each victim. By October 1,925 persons had applied for compensation. By year's end, some 1,300 had received payment. The Government allocated additional resources to pay compensation since the number of applicants far exceeded expectations.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government respects these provisions in practice. Most newspapers and periodicals are privately owned. The Government subsidizes daily newspapers, regardless of political affiliation. Broadcasters operate under a state concession. Until a few years ago, the State had a monopoly over ground-based broadcasting, but a variety of commercial television channels (one ground-based and several via satellite or cable), and several commercial radio stations now exist.

The Government may censor publications containing national security information. A quasi-governmental body excises extremely graphic violence from films, television programs, and videos.

Criticism of child pornography is widespread, and the debate on the legality of ownership of pornographic material continued. A 1999 law criminalizes the possession and handling of child pornography. It also is illegal to publish or distribute such material. The Queen remains a strong and popular advocate of children's rights and an active opponent of child pornography.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of peaceful assembly, and the Government respects this right in practice. Police require a permit for public demonstrations. The authorities routinely grant such permits, with rare exceptions to prevent clashes between antagonistic groups or due to insufficient police resources to patrol an event adequately.

The Constitution provides for freedom of association, and the Government respects this right in practice. The debate that began in 1999 over the possible criminalization of neo-Nazi organizations continued.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government respects that right in practice. The Government does not hamper the practice or teaching of any faith.

The country maintained a state (Lutheran) church for several hundred years, supported by a general "church tax" (although the Government routinely grants exemptions). However, in 1995 the Church of Sweden and the Government agreed to a formal separation, which became effective during the year, but the Church still is to receive some state support. The reform also made it possible for all religious communities to register by fulfilling certainmainly organizational—requirements. The principles governing state support to all religious communities have been laid down in a new special act of law.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government respects them in practice.

The law and regulations incorporate the precepts of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. They are also consistent with the European Union's (EU) Dublin Convention. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees; it also provides first asylum. In keeping with international agreements, the Government reviewed applications for asylum more thor-

oughly than before. The number of applications for asylum decreased in 1999 to 11,231 (from 12,844 in 1998). Applicants included 3,576 Iraqi citizens, 1,812 from the Federal Republic of Yugoslavia, and 854 Iranians. The Government approved 5,597 applications in 1999. A total of 6,835 persons sought asylum through July 2000. Nearly 11 percent of the country's population is foreign born.

The Government carries out expeditious returns of asylum seekers from EU countries or from countries with which there are reciprocal return agreements. In many cases, asylum seekers were deported within 72 hours of arrival, and NGO's were critical of their lack of access to legal counsel. To remedy this situation, the Government is experimenting with pilot programs at selected border crossings to provide expeditious legal assistance. Most of these are cases of persons who passed through or have asylum determinations pending in other EU countries. Applications can remain under consideration for long periods of time with applicants in uncertain status. Because of the appeals process in the courts, cases can extend for several years. These cases are few in number.

The principal complaint of NGO's is that the country lacks a transparent process for making decisions in asylum cases. They maintain that the asylum procedures lack rules to guide the conduct of authorities to ensure legal protection for asylum seekers. The procedures accord great discretion to individuals in decisionmaking positions. According to the NGO's, the decisionmakers use arbitrary, unspecified, and inconsistent criteria. NGO's are particularly critical of the unclear burden of proof and the lack of an appeals process to an independent court. Four cases, in which the Government sought to return asylum seekers to countries where they feared persecution, were pending at the U.N. Committee Against Torture; the Committee was expected to review the cases in the fall of 2000.

The Government conducted a review of the safety of countries that are considered safe third countries. NGO's raised the issue of insufficient protection for returnees to countries without a reciprocal return agreement. While these countries provide safe asylum, they are often reluctant to accept asylum seekers deported from European countries. Despite the Government's review, late in the year the authorities ordered the deportation of two Iranian asylum seekers to Tehran. The deportation was halted after the U.N. Committee Against Torture decided to review both cases to determine if the individuals would face torture if returned to Tehran.

A total of 3,752 Kosovar Albanian refugees were granted temporary residence permits in 1999, initially valid for 11 months. By July more than 2,500 of the refugees had returned to Kosovo. The Government has accepted over 100,000 refugees from the former Yugoslavia. The Government provides grants to Bosnians to travel to their homeland in order to determine if they wish to be repatriated. It also provides financial incentives for returnees, but there is no forced repatriation. There were no reports of the forced return of persons to a country where they feared persecution.

In March the Government withdrew a proposal envisaging changes to its temporary protection regulations in a situation of mass immigration. The proposal was withdrawn following massive criticism by the political opposition, the UNHCR, NGO's, and the parliamentary Committee on Social Insurance.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens exercised this right most recently in 1998. Elections to the 349-member unicameral Parliament are held every 4 years.

Women participate actively in the political process and Government. They constitute 43.6 percent of the Parliament and 55 percent of the Cabinet. The governing Social Democratic Party largely kept its pledge to place women in half of all political appointments at all levels.

### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Several private organizations actively monitor issues such as the impact of social legislation, anti-immigrant or racist activities, and the condition of the indigenous Sami population. The official ombudsmen publicize abuses of state authority and may initiate actions to rectify such abuses. Government agencies are in close contact with a variety of local and international groups working in the country and abroad to improve human rights observance, and they are very open to dialog and input from these groups.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for equal rights for all citizens, and the Government respects this provision.

*Women.*—A total of 19,982 reported cases of assault against women (excluding rape) were reported in 1999, compared with 20,516 in 1998. Most involved spousal abuse. In three-quarters of the assaults, the perpetrator was an acquaintance of the victim. Reported abuse against women occurs disproportionately in immigrant communities. On average 33 murders of women and girls are reported each year, half of them by men closely related to the victim. The number of reported rapes of persons over age 15 was 1,747 in 1999, compared with 1,386 in 1998. The law does not differentiate between spousal and nonspousal rape. In 1998 (latest statistics available) 4,928 cases of violence against women were prosecuted, as were 243 rape cases, 208 of which were sexual assaults on persons over age 15.

Trafficking in women from Russia and the Baltics for purposes of forced prostitution continues to be a small but serious problem (see Section 6.f.). The purchase or attempted purchase of sexual services became illegal in 1999.

The Government has longstanding programs to deal with violence against women. The law provides complainants with protection from contact with their abusers, if so desired. In some cases, the authorities help women obtain new identities and homes. The Government provides electronic alarms or bodyguards for women in extreme danger of assault. Both national and local governments help fund volunteer groups that provide shelter and other assistance to abused women. The authorities strive to apprehend and prosecute abusers. Typically, the sentence for abuse is a prison term—14 months on average—or psychiatric treatment. However, women complain about short sentences and the early release of offenders.

The law prohibits sexual harassment and specifies clearly employers' responsibilities to prevent and—if applicable—to investigate sexual harassment in the workplace and to formulate and post a specific policy and guidelines for the workplace. Employers who do not investigate and intervene against harassment at work can be obliged to pay damages to the victim. As with other forms of discrimination, women and men may take complaints to the courts or to their unions. To combat gender discrimination in the longer term, the Equal Opportunities Act requires all employers, both in the public and private sector, actively to promote equal opportunities for women and men in the workplace.

The law requires employers to treat men and women alike in hiring, promotion, and pay, including equal pay for comparable work. According to 1998 statistics, women's salaries were 82 percent of men's salaries. Adjusting for age, education, and occupational differences between men and women, women average 91 percent of men's salaries. The equal opportunity Ombudsman, a public official, investigates complaints of gender discrimination in the labor market. Women and men also may pursue complaints through the courts. A third option, and by far the most common, involves settling allegations with the employee's labor union as mediator. In 1999 gender discrimination cases by 94 women and 16 men were registered with the equal opportunity Ombudsman. The courts did not rule on any of the cases in 1999 (pending the resolution of 1 of the cases in the European Court of Justice), 11 were settled through mediation, 22 were withdrawn, and 72 were dropped. The remainder were pending. In the past, many of these cases involved salary discrimination.

All employers with more than 10 employees must prepare an annual equality plan, including a survey of pay differences between male and female employees. The equal opportunity Ombudsman reviews these plans.

Women were trafficked for the purpose of forced prostitution (see Section 6.f.).

Under the country's pre-1976 practice of forced sterilization, thousands of persons were sterilized forcibly between 1934 and 1976. The majority of those sterilized were disabled either mentally or physically, and 95 percent were women. In May 1999, Parliament decided to pay damages in such cases (see Section 1.f.).

*Children.*—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provides compulsory, free, and universal primary school education for children for 9 years. It also provides free medical and dental care for all children up to the age of 16 (19 for dental care). Parents receive some \$1,000 per year for each child under 16 years of age. An official children's Ombudsman monitors the Government's programs.

The Government allocates funds to private organizations concerned with children's rights. An NGO, Children's Rights in Society, offers counseling to troubled youngsters. The Government remains active internationally in efforts to prevent child abuse.

Although the physical abuse of children appears relatively uncommon, the public and authorities remain concerned by consistent data indicating an increase in cases over the past several years. The number of reported cases for children under the age of 15 rose to 5,919 in 1999, up from 5,642 in 1998. The number of reported cases of sexual abuse of children under the age of 15 was 2,969 in 1999 and 2,756 in 1998. The U.N. Children's Committee criticized the Government, stating that it provides less protection for the children of immigrant and disadvantaged groups.

The law prohibits parents or other caretakers from abusing children mentally or physically in any way. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to the police. The authorities respect these laws, and the usual sentence is a fine combined with counseling and monitoring by social workers. However, if the situation warrants, authorities may remove children from their homes and place them in foster care. Foster parents virtually never receive permission to adopt long-term foster children, even in cases where the parents are seen as unfit or seek no contact with the child. Critics charge that this policy places the rights of biological parents over the needs of children for security in permanent family situations.

*People with Disabilities.*—With one exception, there are no specific laws that prohibit discrimination against persons with disabilities, but considerable efforts are made to ensure that the disabled enjoy equal opportunities. A 1999 act prohibits discrimination against disabled persons in the workplace. In May the Parliament adopted a national plan on disability policy that provides for freedom of access and social support as basic rights for disabled citizens. Since 1994 the country has had an Ombudsman for disability issues. The Government provides disabled persons with assistance aimed at allowing them to live as normal a life as possible, preferably outside an institutional setting. This support may include a personal assistant for the severely disabled, plus improvements in the workplace's accessibility to wheelchairs. Government assistance also encompasses services such as home care or group living. Regulations for new buildings require full accessibility, but the Government has no such requirement for existing public buildings. Many buildings and some public transportation remain inaccessible. Deaf children have the right to education in sign language. The parents of disabled children and disabled workers under the age of 65 receive financial assistance every 7 years to buy a car adapted to the person's disability.

Under the country's pre-1976 practice of forced sterilization, thousands of persons were sterilized forcibly between 1934 and 1976. The majority of those sterilized were disabled either mentally or physically (see Section 1.f.). In 1999 Parliament decided to pay damages in such cases.

*Indigenous People.*—The country counts at least 17,000 Sami (formerly known as Lapps) among its 8.87 million inhabitants (Sami organizations place that number somewhat higher, 25,000 to 30,000). In 1993 the Government allowed the formation of a Sametinget, or Sami Parliament, as an advisory body to the Government. Under the current Government, Sami issues fall under the Ministry of Agriculture.

The Sami continue a protracted struggle for recognition as an indigenous people under a variety of international agreements, such as International Labor Organization (ILO) Convention 169. Historically, the Government resisted granting the Sami such rights. For example, Sami children had no right to education in their native language until the provision of such education to immigrant group children under a 1977 law forced the Government to grant Sami at least equal treatment. As a result of such education, northern Sami dialects have enjoyed a recent renaissance. However, Sami dialects in the southern portions of traditional Sami lands now may have too few native speakers to survive as living languages. In 1997 the Government initiated an inquiry into whether the country could ratify ILO Convention 169. The inquiry was published in 1999 and concluded that the country could ratify the convention, but that it should not be ratified until a number of steps relating to Sami land rights are taken. No further steps were taken during the year.

In 1994 the Government removed from the Sami the right to control hunting and fishing activities on Sami village lands, permitting instead totally unlimited hunting and fishing activity on all government property. Sami leaders continued to protest this change during the year.

Some Sami state that they face discrimination in housing and employment on an individual basis, particularly in the southern mountain regions. In January the Government officially recognized the Sami people as a national minority in the context of its ratification of the European Framework Convention for the Protection of National Minorities.

*Religious Minorities.*—The Government continued to take proactive steps to combat anti-Semitism by increasing awareness of Nazi crimes and the Holocaust. Under

its living history project, the Government provides educational material on the Holocaust to schoolchildren and families throughout the country. The media are also active in publicizing and condemning neo-Nazi activity.

The Government declared January 27, the anniversary of Auschwitz's liberation, as a national day of remembrance. In January Sweden hosted a large, high-level international conference on Holocaust education. The Stockholm international forum on the Holocaust was attended by over 40 countries and over 20 heads of state and government.

*National/Racial/Ethnic Minorities.*—Approximately 11 percent of Sweden's population is foreign born, with the largest groups being from Finland, Iran, and the former Yugoslavia. "Skinhead" and neo-Nazi related violence increased during the year. Neo-Nazi activity in the past was rarely lethal or well organized and was directed mostly at immigrants. However, cases over the last couple of years are notable for the fact that they mainly targeted white, native, non-Jewish citizens. Crimes with racial overtones increased, but only 13 per cent of the racist crimes reported could be linked directly to neo-Nazis. Violent incidents with racial overtones have averaged about 100 per year in recent years, although no official statistics are kept.

Three neo-Nazis were sentenced in January to life imprisonment for killing two police officers during the course of a May 1999 bank robbery. Two young neo-Nazis were sentenced to 11 years in prison in April for the murder of a trade union official in October 1999. A third defendant was sentenced to 4 years' imprisonment for being an accessory.

The public continued to urge a tougher stance against neo-Nazi groups. Several demonstrations against violence and racism were organized all over the country. The Government supports volunteer groups that oppose racism and xenophobia. As a result of the 1999 press campaign against 62 of the country's leading neo-Nazis, 5 were expelled from their unions, and 1 was fired from his job.

Most estimates place the number of active neo-Nazis at fewer than 2,000, and there appears to be little popular support for their activities or sentiments. Many citizens doubt whether such youth actually embrace neo-Nazi ideology, and the Government supports activities by volunteer groups working against racism. The Government investigates and prosecutes race-related crimes, although in many clashes between Swedish and immigrant youth gangs, authorities judge both sides to be at fault. Neo-Nazi groups operate legally, but serious discussion has been taking place about outlawing such groups. The Supreme Court ruled that it can be illegal to wear xenophobic symbols or racist paraphernalia. Rightwing groups, which have and exercise the right to demonstrate, are not permitted to display signs and banners with provocative symbols at their rallies.

The Ombudsman for racial discrimination reported in January that complaints of ethnic discrimination in the labor market increased by 50 percent in 1999 to 184 cases, compared with 122 cases in 1998. The increase could be linked to a new law, introduced in May 1999, which provides easier redress.

A government committee presented a report that proposed a tightening of the laws against Nazi and racist crimes. The committee proposed that a new charge be introduced, "seriously disorderly conduct," in order to be able to prosecute people for crimes that do not fall under "agitation against ethnic groups."

In January the Government decided to ratify the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The decision implies that the Sami people, Swedish Finns, Tornedal-Finns, Roma, and Jews are recognized as national minorities. It means that the Government should support and protect minority languages such as Sami, Finnish, and Yiddish. A new law that gave effect to the conventions entered into force on April 1.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The work force is approximately 80 percent unionized. Career military personnel, police officers, and civilian government officials, as well as private sector workers in both manufacturing and service industries, are organized. Most business owners belong to counterpart employer organizations.

Unions and employer organizations operate independently of the Government and political parties (although the largest federation of unions has always been linked with the largest political party, the Social Democrats). The law protects the freedom of workers to associate and to strike, as well as for employers to organize and to conduct lockouts. Within limits protecting the public's immediate health and security, public employees also enjoy the right to strike. These laws are respected fully and are not challenged.

Unions have the right to affiliate with international bodies. They are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation among others.

*b. The Right to Organize and Bargain Collectively.*—Management-labor cooperation tends to be excellent and nonconfrontational. Labor and management, each represented by a national organization by sector (for example retailers and engineering industries), negotiate framework agreements every 2 to 3 years. More detailed company-level agreements put such framework agreements into effect at the local level. New framework agreements were signed during 1998, with most valid until 2001. In contrast with the recent past, most agreements with labor unions now provide for a degree of individualized pay, including merit bonuses.

The law provides both workers and employers with effective mechanisms for resolving complaints. The vast majority of complaints are resolved informally. The law protects union officials and members from dismissal or reprisals for official union activities. In some instances, unions even demand collective agreements regardless of the views and union status of employees. The Government is studying ways to strengthen the system of public mediation. During the year, a new government office, the Mediation Institute, began functioning. During 1999 there were seven legal and two illegal strikes. No strikes or lockouts were reported during the year, apart from two small wildcat actions in October.

Agreement was reached in 1997 between 12 employer associations and 8 unions representing 800,000 manufacturing employees on steps to prevent strikes and lockouts, such as requiring serious wage negotiations to start 3 months before a collective agreement expires and appointing a mediator if an agreement has not been reached after 2 months. As a result of this agreement, wages increased by approximately 3 percent in 1998 and a further 3 to 3.5 percent in 1999. Similar agreements were signed in the municipal sector and in the retail-commercial and service sectors.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, and the authorities effectively enforce this ban. The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively. However, women are trafficked to the country for the purposes of forced prostitution (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Compulsory 9-year education ends at age 16, and the law permits full-time employment at that age under the supervision of local authorities. Employees under age 18 may work only during the daytime and under supervision. During summer and other vacation periods, children as young as 13 years may work part time or in "light" work with parental permission. Union representatives, police, and public prosecutors effectively enforce this restriction. The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

*e. Acceptable Conditions of Work.*—There is no national minimum wage law. Wages are set by collective bargaining contracts, which nonunion establishments usually observe as well. Even the lowest paid workers can maintain a decent standard of living for themselves and their families through substantial benefits (such as housing or day care support) provided by social welfare entitlement programs. However, cutbacks in these programs have made it harder for some workers to make ends meet, particularly low-paid single women with children.

The standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. For workers not covered by a labor agreement, the law stipulates a limit for overtime at 200 hours a year, although exceptions may be granted for key employees with union approval; some collective bargaining agreements put the limit at 150 hours. The law requires a rest period after 5 hours of work but does not stipulate a minimum duration; in practice it is usually 30 minutes. The law also provides all employees with a minimum of 5 weeks of paid annual leave; labor contracts often provide more, particularly for higher ranking private sector employees and older public service workers. Amendments to the labor law in 1997 made it easier for employers to hire workers for limited periods, as well as empowering local unions to agree to exceptions to last-in, first-out laws.

Currently the focus of concern is on the psychosocial aspect of health and safety. Occupational health and safety rules are set by a government-appointed board and monitored by trained union stewards, safety ombudsmen, and, occasionally, government inspectors. These standards are very high, making workplaces both safe and healthy. Safety ombudsmen have the authority to stop unsafe activity immediately and to call in an inspector. An individual also has the right to halt work in dangerous situations in order to consult a supervisor or safety representative.

*f. Trafficking in Persons.*—The law does not prohibit such trafficking, although traffickers are prosecuted under other statutes. Women are trafficked to the country for forced prostitution. In 1999 the Government initiated six court cases against individuals involved in trafficking. The 11 cases prosecuted in 1998–99 resulted in 6 convictions. All of the accused traffickers are Swedish residents with family and personal ties to Central and Eastern Europe and the Middle East. The affected women in these cases, numbering 200 to 500 per year, came principally from Central Europe, the Baltic states, and Russia. The women typically are recruited in their own countries to come and work as cleaners, babysitters, or similar employment. Some reportedly were “purchased” from other traffickers and brought into Sweden. A 1998 baseline report stated that considerable additional information available to the police suggests that the problem of trafficking is more widespread than the few prosecutions indicate.

The Government and the EU provided funds to the Foundation of Women’s Forums to combat trafficking in women in the Nordic and Baltic nations by creating interactive networks that link NGO’s and research institutions that deal with prevention and the rehabilitation of trafficked women.

## SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. The bicameral Parliament elects the seven members of the Federal Council, the highest executive body, whose presidency rotates annually. Because of the nation’s linguistic and religious diversity, the Swiss political system emphasizes local and national political consensus and grants considerable autonomy to individual cantons. Voters approved a new Constitution in April 1999 that came into force on January 1, 2000. The judiciary is independent.

The armed forces are a civilian-controlled militia based on universal military service for able-bodied males. There is virtually no standing army apart from training cadres and a few essential headquarters staff. Police duties are primarily a responsibility of the individual cantons, which have their own police forces that are kept under effective control. The National Police Authority has a coordinating role and relies on the cantons for actual law enforcement. There were allegations of occasional abuses by police.

Switzerland has a highly developed free enterprise, industrial, and service economy strongly dependent on international trade. The standard of living is very high.

The Government generally respects human rights, and the law and judiciary provide effective means of dealing with individual instances of abuse. There continue to be allegations by nongovernmental organizations (NGO’s) of occasional police harassment directed against foreigners, particularly asylum seekers, including arbitrary detention. Violence against women is a problem, and the Government is continuing to take serious steps to address it. Trafficking in women for forced prostitution increased. Some laws still tend to discriminate against women. There continue to be reports of verbal abuse against foreigners by private citizens.

The new Constitution approved by voters in 1999 provides for new protection for citizens’ rights, including the principle of equal opportunity for the disabled and the right to strike.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

Human rights groups strongly criticized police for the death of 27-year-old Palestinian Khaled Abuzarifeh, who died at Zurich-Kloten airport while being forcibly deported in March 1999. In January Zurich cantonal authorities announced that forensic tests showed that Abuzarifeh died of suffocation. For deportation he was strapped into a wheelchair and adhesive tape was placed over his mouth to prevent him from shouting. According to airport police, such restraints were permitted because Abuzarifeh’s physical resistance thwarted a first deportation attempt. Cantonal authorities claim no longer to be using adhesive tape to cover the mouth during deportations. In connection with Abuzarifeh’s death, three police officers and a doctor were placed under formal investigation of charges of manslaughter by culpable negligence.

Fulgence Niyonteze, the former mayor of the Rwandan town of Mushubati, sought asylum in Switzerland in 1994 and was arrested in 1996. In May 1999, a military